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# **SOCIAL TREATMENT OF THE DELINQUENT**

**BEING THE ANNUAL REPORT AND PROCEEDINGS  
OF THE  
NATIONAL PROBATION ASSOCIATION  
1921**



**PUBLISHED BY THE  
NATIONAL PROBATION ASSOCIATION, INC.  
370 SEVENTH AVENUE, NEW YORK  
1922**



# **SOCIAL TREATMENT**

OF THE

# **DELINQUENT**

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**Annual Report and Proceedings**  
OF THE  
**Fifteenth Annual Conference**  
OF THE  
**NATIONAL PROBATION ASSOCIATION**  
  
HELD IN  
**MILWAUKEE, WIS., JUNE 20-27, 1921**

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Published by the  
**NATIONAL PROBATION ASSOCIATION, INC.**  
370 SEVENTH AVENUE, NEW YORK CITY  
1922

## TO CONTRIBUTORS

The Board of Directors of the National Probation Association desires to express the sincere thanks of the Association to all those who have aided and supported its work by their contributions of money and services during the past year. The success and growth of the organization are largely due to the public-spirited generosity of the members and contributors.



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ORGANIZED 1907

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The next Annual Conference of the Association will be held in  
Providence, R. I., June 20-26, 1922.

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## ANNUAL REPORT

### FOR THE YEAR 1921

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*To the Members of the National Probation Association:*

#### Introductory

Probation, the social service of the courts, is advancing. It is becoming a profession calling for the highest ability and devotion. More than two thousand probation officers are today serving in the courts as investigators and case workers. They secure the facts, personal and environmental, without which all treatment of delinquency is ineffective. For a growing number of offenders, and what is even more important, in a better selected number, the probation officer is applying the remedy of constructive but disciplinary "home service," watchful supervision and guidance.

The members of the National Probation Association, however, realize as perhaps no other group, that the probation service and the entire organization of the courts for effective social work is only at the beginning of its proper development. Even the juvenile court exists in but half of our cities. The need for study, standardization, regulation and extension, is still very great. To this end the National Probation Association is in the field to aid all local judges, officers and organizations in this work of development.

None more than the members of this Association welcome the increased public interest in the age-old problem of crime which is evidenced today in the newspapers and elsewhere. Far from fearing its effect upon the probation system, we believe it will immeasurably strengthen it. It will strengthen it, first, by lessening its misuse, and second, by showing the need for more and better-equipped probation officers.

Probation, rightly used, means getting the offender young, reaching the causes, building up and developing the good within and around each individual, guarding society through watchful and long-continued supervision. Hence, its essence is protection of society and prevention of crime.

### **The Development of the Association**

The year 1921 was the most important in the Association's history. Organized informally in 1907 as a conference of probation officers, its chief activity for a number of years was the annual conference. In 1909 by-laws were adopted, providing for the annual election of officers. Thereafter the Association began gradually to develop all-the-year-round work through committees and the volunteer services of its officers.

A list of the early officers and directors of the Association shows that nearly all the leaders in the juvenile court and probation field have been identified with its work. Among these were Judge Ben B. Lindsey, Timothy D. Hurley, Judge Julian W. Mack, Julia Lathrop, Bernard Flexner, Judge Harvey D. Baker, Edwin Mulready, Judge Charles De Courcy, Judge William De Lacy, Homer Folks and many others. We have been fortunate also in the choice of early secretaries. All of them devoted themselves unstintingly and without compensation to the building up of this work. They were: Arthur J. Todd, Roger N. Baldwin, Arthur W. Towne and Hugh M. Fullerton.

The Association owes a debt of gratitude to the New York State Probation Commission for permitting its secretary to act for the Association and for granting the use of its office. This arrangement continued until June 1, 1921, when the increasing work of the Association made it imperative that a separate office be established. On that date the present office was opened in New York City and a full-time executive secretary and stenographer were appointed.

The purpose of this report is to briefly review the work and accomplishments of the past year and to outline the plans of the Board of Directors for the future work and development of the



Association. There follows a summarized list of work undertaken and carried on during the past year:

### Field Work

We have undertaken work in a number of localities, in some of which definite results have followed; in others, the work is still being carried on. Investigation of existing needs and first steps toward the organization of city or state committees, affiliated with the Association, have been taken. Following is a brief summary:

*Ohio:* Courts were visited and general investigation carried on in the cities of Cleveland, Cincinnati and Columbus. The General Secretary spent some time in Cleveland, organizing a Cleveland Probation Committee affiliated with the Association. Leading judges, attorneys, social workers, and other representative people have accepted membership thereon. Two meetings have been held and plans formulated for active work in promoting probation.

At Columbus plans were worked out for cooperation with state agencies in securing improved legislation and administration of probation throughout the state.

*Kentucky:* An investigation of the juvenile courts and the need for adult probation in Kentucky, was carried on at the request of the Children's Code Commission and the National Child Labor Committee. A report to the Commission was made and three bills drafted and introduced in the Legislature. These bills provided for revision and extension of the Juvenile Court Act, adult probation and a State Juvenile Court and Probation Commission. The bills failed of passage due to undeveloped public interest and the shortness of the legislative session.

A local Probation Committee in Louisville, affiliated with the Association, has been appointed to work for public education leading to the securing of this needed legislation and better administration, especially of the juvenile courts.

*Maryland:* The General Secretary made a brief investigation of the probation work and needs of the courts in Baltimore. A local committee has been planned.

*New York:* A Juvenile Court Bill for the State was prepared and submitted to the Children's Code Commission. A most progressive law was enacted establishing juvenile courts in every county of the State. We participated in conferences and hearings thereon.

*Pennsylvania:* Courts were visited in Philadelphia, a local committee was organized and a campaign for members carried on.

We participated in the Second Annual Conference of the State Association of Probation and Parole Officers and have cooperated with the Juvenile Court Agent of the State Children's Bureau, which is developing a system of state supervision and aid to the juvenile courts of the State.

Beside the above mentioned, the General Secretary has visited the courts and investigated local conditions, advising with probation officers and judges, in many other cities: among these were Boston, Chicago, Minneapolis, St. Paul, Milwaukee, Detroit and Toronto.

### **The Federal Probation Bill**

We have continued to press for the passage of this most needed measure. Federal courts are still entirely without probation powers. The Association has had a bill continually before Congress for a number of years. Progress was made at the last session of Congress which ended in March, 1921, when the Siegel Bill, containing the principal features of the bill introduced by Congressman Lonergan in behalf of the Association, was reported favorably from the Judiciary Committee of the House of Representatives. The session closed, however, without further action. Since the opening of the Sixty-seventh Congress the same bill has been pending without action as yet.

On May 31st we conducted a hearing before the House Committee, at which Federal Judge Edwin L. Garvin, Chairman of our Committee on Federal Probation, the General Secretary and others spoke. No serious opposition has been encountered, and action is to be anticipated in 1922. The bill now pending gives the fullest powers to Federal Courts to use probation. It does not, however, provide for salaries for probation officers.

## **Conferences**

The largest and most successful annual conference which the Association has conducted was held in Milwaukee during June. Three hundred persons, largely probation officers, judges and other court workers, were in attendance. A feature of the conference was the all-day joint sessions with the Federal Children's Bureau on "Juvenile Court Standards." The proceedings of the latter sessions have been published and distributed to all of our members through the courtesy of the Children's Bureau. The principal addresses and discussions at the other sessions of the conference are published herewith. The actions taken at the annual business meeting of the members are incorporated in the proceedings.

The Association conducted a conference of southern court workers in connection with the American Prison Congress at Jacksonville. Probation officers from most of the southern states were in attendance and much interest was shown.

## **Promotion of Training Courses for Probation Officers**

A study is now being made of resources for the training of probation officers. Two members of the Board of Directors and the General Secretary participated in a very successful institute for probation officers and judges held by the Ohio State University last July. We have answered many inquiries from colleges and schools interested in extending their courses. We are cooperating closely with the New York School of Social Work and the Commonwealth Fund in their program for providing scholarships for probation officers.

## **Incorporation**

A special meeting of the members of the Association, as required by the Laws of New York State, was held in New York City on October 7th, notice to all members having been sent out thirty days previously. Thirty-eight members of the Association were present and unanimously voted to authorize the Board of Directors to incor-

porate the Association under the Membership Corporations Law of this State. The incorporation papers were duly signed by the members of the Board present on the same day. Incorporation was completed by the certification and filing of the necessary papers.

### **Meetings of the Board**

Five meetings of the Board of Directors were held during 1921. The Executive Committee, provided for by an amendment of the By-Laws, was organized and has held meetings.

### **Addresses by the General Secretary**

At the following conferences and other meetings the General Secretary spoke on the various phases of the work of the Association: The Ontario Association of Children's Aid Societies, Toronto; Ohio Council of Social Agencies, Columbus; Institute for Probation Officers and Judges of Juvenile Courts in the Ohio State University, Columbus; Michigan State Conference of Social Agencies, Ann Arbor; Maryland State Conference of Social Work, Baltimore; American Prison Association, Jacksonville; Conference in the Municipal Court, Philadelphia; Louisville Social Workers' Club; American Institute of Criminal Law and Criminology, Cincinnati; Kiwanis Club, Schenectady; New Jersey Health Institute, Newark.

### **Publications**

The Association has published several leaflets on its work during the past year and has continued to distribute its Annual Report and Proceedings, National Directory and other publications. The first number of a Bulletin which it is planned to issue bi-monthly, and later if possible monthly, has been issued and sent to all members. It is hoped to make this of greatest value to our members by including news and information on the work from all parts of the country, reports on the work of the Association, announcements of conferences and other valuable data.

The publishing of a new Directory of Probation Officers has been necessarily delayed, but will be completed in the immediate future.

### **General Work**

During this year of development much attention has necessarily been given to organizing our office and building up the membership and means of support. The Association has served increasingly as a clearing house for information, carrying on a large correspondence with judges, probation officers and many other inquirers. An increasing service has been rendered in sending out information, drafts of bills and literature. Assistance has been given to representatives of state children's code commissions, state boards and child welfare bureaus interested in probation and juvenile courts. A complete office system was installed, membership cards and files overhauled, and other necessary office routine attended to.

### **Membership and Finance**

At the beginning of 1921 the active membership of the Association numbered 702. Every effort has been made to increase it, and as a result the paid membership at the time of the publication of this report numbers 1,127. Of this number 131 are contributing members, giving \$5 or more; 114 are sustaining, giving \$10 or more, and 22 are patrons, giving \$100 or more during the past year. The greater part of our support comes from small contributions from persons directly interested in the work.

We are glad to acknowledge a contribution of \$3,000. received through the personal efforts of President Brown and his co-workers in the Municipal Court of Philadelphia. This sum represents contributions from a large number of persons whose interest in the national cause has been stimulated by contact with the well developed probation system in Philadelphia. The money was secured with the understanding that some special attention would be given to the development of probation work in the State of Pennsylvania. As this report goes to press a donation of \$5,000. from the Milbank

Memorial Fund, to be applied to our budget for the ensuing year, has just been received. We are deeply grateful to the Directors of this Fund for their interest and support of our work. A continuance of this assistance, though in diminishing amount, has been promised on condition that at least twice as much is raised from other sources each year and that satisfactory reports of progress are made.

At a recent meeting of the Executive Committee a budget of \$15,000 for the ensuing year was adopted. This has provided for one additional employee. In addition, a field secretary is now urgently needed.

A certified and itemized financial statement for the fiscal year ended March 31, 1922, follows this report.

### **Future Work and Needs**

The field of work of the Association, namely, that of studying, establishing, extending and standardizing adult and juvenile probation, juvenile courts, domestic relations courts and other special courts, is covered by no other national organization. The experience of the past year has confirmed us in the belief that few if any other fields are more in need of the work of a strong national organization. The Association has adopted a definite program of work for the coming year which is as follows:

#### **PROGRAM**

1. To study probation methods and results To work for the extension of effective probation service; to promote juvenile, domestic relations, women's and other socially organized courts. If sufficient financial assistance can be secured, it is desired to place one or more trained workers in certain courts during the coming year to organize and demonstrate the most effective system of probation and social court work. Extension work will be undertaken where the greatest opportunity and need develops, but in particular it is planned to assist courts in the States of Pennsylvania, Ohio, Kentucky and Connecticut.

2. To conduct field studies of court organization and social equipment in the various types of courts, particularly juvenile and domestic relations courts, in order to determine and formulate standards for the development and coordination of these courts. Interest in the domestic relations or family court is coming to equal that in the juvenile court, but there is little authentic information or literature available.

3. To promote training for probation workers through courses in schools and universities, and in other ways. We plan to take the matter up with a number of schools and to cooperate with other agencies, especially with the Commonwealth Fund in its effort to secure good material for its scholarships and in its other efforts in this direction.

4. To promote the establishment of clinical service in all courts, closely relating it to the work of probation officers. We plan to cooperate as closely as possible with the work of the demonstration clinics to be established in certain courts through the grant of the Commonwealth Fund to the National Committee for Mental Hygiene.

5. To assist state probation commissions, child welfare bureaus and other agencies in their work of supervising and developing juvenile courts and probation, and to work for the establishment of state supervision in the large majority of states now without it.

6. To aid children's code commissions in revising laws relating to juvenile courts and delinquency.

7. To develop local and state committees and associations of probation officers to be affiliated with the Association as local branches.

8. To secure up-to-date and complete data on juvenile court and probation laws and the present status of their administration throughout the country.

9. To publish helpful literature, including the Proceedings, National Directory of Probation Officers and Bulletin. To continue to supply literature, drafts of bills and information by correspondence and interviews.

10. To increase the value and usefulness of the Annual Conference and to develop regional conferences.

11. To extend the membership and support of the Association.

To carry out this program we shall need the assistance and cooperation of every member. It is hoped that the membership may be greatly increased, not only for the purpose of providing additional support, but in order that more may benefit by the literature and other services of the organization. It is also hoped that additional friends and contributors may be found, so as to make the work more effective. To this end, the assistance of all of our members to interest those who might be willing to contribute, is earnestly requested. Upon the support of the members and friends of the Association will depend the future progress of this work, as it has in the past.

Respectfully submitted,

CHARLES L. CHUTE,  
*General Secretary.*



# TREASURER'S REPORT

## National Probation Association, Inc.

### STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS FOR THE YEAR ENDED MARCH 31, 1922

Balance, April 1, 1921.....	\$158.62
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*Receipts:*

Dues.....	\$4,972.61
Contributions.....	5,800.00
Sales of "The Quicksands of Youth" (less purchases, \$107.34).....	53.16
Interest on bank balances.....	7.66
Other.....	9.80

Total receipts.....	10,843.23
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Total.....	\$11,001.85
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*Disbursements:*

Salaries and extra clerical service.....	\$5,364.04
Traveling expenses.....	1,035.81
Rent (less rentals received, \$143.34).....	846.66
Printing (less refund, \$19.24).....	642.20
Office furniture and fixtures.....	429.25
Stationery and office supplies.....	235.66
Postage.....	277.37
Telephone, telegraph, and messenger service (less collections, \$69.11).....	146.27
Reporting Milwaukee meetings.....	167.25
Filing and recording fees for certificate of incorpora- tion.....	35.00
Badges.....	21.50
Express.....	20.30
Membership dues in other organizations.....	17.10
Audit fee.....	10.00
Miscellaneous.....	68.33

Total disbursements.....	9,316.74
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Balance, March 31, 1922.....	\$1,685.11
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Respectfully submitted,

GEORGE GORDON BATTLE,  
*Treasurer.*

#### CERTIFICATE OF AUDIT

We have audited the cash accounts of the National Probation Association, Inc., for the year ended March 31, 1922, and

*We hereby certify that the foregoing statement is correct.*

HASKINS & SELLS,  
*Certified Public Accountants.*

NEW YORK, April 29, 1922.

**PROCEEDINGS**  
**OF THE**  
**FIFTEENTH ANNUAL CONFERENCE**  
**OF THE**  
**NATIONAL PROBATION ASSOCIATION**

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**INTRODUCTORY NOTE**

The following Proceedings contain the more important addresses, discussions and transactions of the Annual Conference of the Association held in Milwaukee, Wis., June 20-27, 1921. Discussions not believed to be of permanent value have been omitted. Three sessions of the Conference devoted to the juvenile court were held jointly with the United States Children's Bureau. The proceedings of these sessions have been published by the Children's Bureau and sent to all members of the Association.

A valuable paper on "Juvenile Detention Homes," by Katharine F. Lenroot, read before the International Association of Policewomen at Milwaukee, is published herewith, with the consent of the author. We have also added a paper on "Domestic Relations Courts," by Judge Edward F. Waite, republished at the request of the members of the Association from the Minnesota Law Review.

**NOTES ON A STUDY OF MORALS COURTS AND PROBATION  
PROCEDURE IN THREE LARGE CITIES**

GEORGE E. WORTHINGTON, ASSOCIATE ATTORNEY, AMERICAN  
SOCIAL HYGIENE ASSOCIATION, NEW YORK CITY

The courts with which this study is concerned are specialized branches of Municipal Courts, and in the study we have made allowances for the limitations in jurisdiction and power of such courts.

The tendency in courts during the past ten or fifteen years, as you all know, has been toward specialization—in fact I believe that your efforts have contributed much toward the establishment of such special courts as the Morals Court, the Domestic Relations Court, the Boys' Court, etc. In securing the establishment of these special courts you have outdistanced us lawyers in providing adequate changes in fundamental matters of procedure, in order to permit your special courts properly to function.

Bar Associations are beginning to recognize this and are now recommending fundamental changes in procedure for which your support is very much needed to bring about their accomplishment. Our present system of criminal courts grew up when the original thirteen states had no greater population than New York City has today. In the pioneer days a judge was assigned to a county or to a district. He handled all sorts of litigation, civil and criminal, and traveled from county to county holding terms of court. After the population of the cities increased and the business of the courts became crowded, the tendency was to establish numerous distinct, unrelated courts. For example, in New York City there grew up the Magistrates' Court, the Court of Special Sessions, the Court of General Sessions, and the Criminal Term of the Supreme Court, all hearing criminal cases. In Boston the Municipal Court grew up with no definite relation whatsoever to the Superior Court. In the early days minor offenses were tried summarily before the justices of the peace or the magistrates. The present inferior courts, whether municipal, magistrates', or special sessions, are outgrowths of these justice courts. As you know, the justice of the peace generally had little or no legal training and therefore the public came to regard the court as "inferior," in both senses of the word. With the growth and change of our inferior courts, the character of the personnel chosen for judge has also changed and improved, until now the municipal courts of our large cities have a personnel that is comparable to that of our higher courts. These courts have truly come to be the people's courts. With few exceptions, however, generally for constitutional reasons, such courts have not been given plenary jurisdiction and we have the anomalous and absurd situation in which a

case properly tried may be tried over again in a higher court with a jury and a judge possessing no higher qualifications than the judge below—certainly not a specialized court—and with no reference whatsoever to the first trial. Such a system results in a needless waste of judicial power, of time and money, and not infrequently results in the miscarriage of justice.

But there are evils even worse than this attendant upon that procedure, namely, that the calendar of the higher court is generally so crowded with serious offenses that the district attorney must make a choice as to which shall be given precedence. This results in the *not pressing* of many of the appeals from the inferior court and amounts to an actual miscarriage of justice.

What we lawyers must do, therefore, is to see that this complex court system is simplified. I believe that all intermediate courts should be abolished; that a sufficient number of courts of general jurisdiction should be established to care for all of the criminal business in the city; and that specialized courts may be established as branches of this court of general jurisdiction. The people demanding a jury trial may then go before a jury branch of the same court, but if they waive a jury trial their case shall be tried before the proper specialized court without a jury, with no appeal therefrom except on a point of law, or because of severity of sentence, or on the record. In such an appeal the record of the lower court would go before the Court of Appeals much the same as is done at present in our final courts of appeal, but there would be no further hearing of testimony. The action of the lower court would be reviewed and would be sent back for a re-trial only upon a reversal. Such a system would serve to cut down the present number of appeals and would also hearten the judge and the probation officer in the trial court, as there would be little possibility of their efforts being set to naught as may be at present. Among the advantages of such a court would be the facility of administration. There could be a chief justice or a president judge who could expedite the business of the court in all departments and who could, from time to time, set aside new branches of the court as specialized courts, as the demand might make necessary.

I would recommend that the procedure be further simplified by

the abolition of the present grand jury system which I believe to be expensive and inefficient, as well as causing needless delay. A branch of the general court could be set aside for arraignments. The judge upon arraignment could determine whether or not a crime had been committed and it would then be the duty of the state's attorney to draw up an information against the defendant, serving as a substitute for the present grand jury indictment. Such a procedure is now in operation in the State of Washington where there is only one criminal court of general jurisdiction, namely, the Superior Court, and where all cases are founded upon an information of the prosecuting attorney, rather than upon an indictment. Of course, it might be advisable to still retain the grand jury for offenses involving political corruption, etc., where the state's attorney might not be so ready to assume the responsibility of returning an information.

This system has already partially been put into operation in one of the cities studied. The Municipal Court of Chicago tries all offenses of lesser degree than that of felonies with appeal direct to the Court of Appeals which is not a court of original jurisdiction. There is still, however, a separate criminal court with jurisdiction over felonies. The jurisdiction of the Municipal Court is therefore limited in that it may not render sentences providing commitment to a penitentiary.

With this introduction, I shall say a word about the structure of the three courts studied, in the order in which the study was made. The Morals Court of Chicago is about eight years old. It was established as a specialized court for the trial of offenses involving prostitution or of a similar nature. Three principal groups of offenders are brought before this court; first, men and women taken in raids on questionable hotels and assignation houses, who are not known as habitual or professional violators. Second, professional prostitutes, including inmates of houses of ill-fame and street walkers. Third, men and women who live from the earnings of professional prostitutes, including panders, hotel proprietors and male solicitors.

All defendants are entitled to a jury trial which is provided by a jury branch of the same court. All persons arrested for offenses involving public morals, such as prostitution, keeping a disorderly

house, pandering, adultery, etc., are arraigned in a morals court where cases are tried without a jury. Defendants are given an opportunity to sign a jury waiver and, if they fail or refuse, the case automatically goes to the jury branch of the Municipal Court and is stricken from the docket of the Morals Court. The proportion who elect to take jury trials, however, is very small. This is shown by the fact that of approximately 40,000 criminal cases arraigned in the Municipal Court of Chicago, 5,847 elected to take a jury trial. After reaching the jury branch, however, only 248, or 4.2 per cent actually were tried by jury, the remainder being tried before the judge. The Morals Court cases have very much the same proportion. During the first six months of 1920 only 93 out of a total of 2,114 demanded trial by jury, and of the 93 who made the jury demands only 5 were actually tried by jury. The remainder elected to be tried by the court without a jury after getting into the jury branch. Felonies are not tried in this court and the case may not be tried *de novo* on appeal. The court is hampered in its disposition of cases by very inadequate laws relating to morals offenses. Most of such offenses are created by city ordinances, punishable only by fine. Commitment is only possible of female inmates of disorderly houses, females who solicit for prostitution, panders, or those convicted of fornication or adultery. Other offenses, such as keeping a disorderly house, resorting to a disorderly house for immoral purposes, and solicitation by the male, are punishable by fine only. Probation is possible in all of these cases. No court reporter is provided to take down testimony of the defendant during the trial and no law has been enacted authorizing the taking of fingerprints of convicted persons. No adequate method is therefore provided for checking up recidivists. Practically all women defendants appearing before the court are subjected to an examination for venereal disease and those found in an infectious stage are generally committed to a hospital before trial, but the man, arrested with them, is not examined. A psychopathic laboratory serves the entire Municipal Court, but no routine examinations have been made in morals courts cases—only cases which are obviously feeble-minded to the layman being sent to the psychopathic laboratory for observation.

The Chicago Morals Court appears to the outsider to be more a specialized court in name than in fact. The present Municipal Court is so constituted that a frequent change of judges in the court is necessary, too frequent to permit a judge to become a specialist in morals cases. Judges are frequently assigned to the Court who are entirely out of sympathy with the class of cases heard there, and the court therefore fails to become in reality a laboratory or clinic for the prevention, treatment and cure of delinquency. A Social Service Department has been nominally established, but inasmuch as its personnel is composed of court officials overburdened with other duties, and, as happens too frequently, it is ignored by some judges, and by others defendants are assigned first to one worker and then to another—all responsible to different departments of the court, little headway in the way of social service is made. A card record of each woman arraigned in the Morals Court is kept by the secretary of this department. No such cards are kept of the men. Very little appears to be done toward taking the case history or checking up on the defendant before conviction. The frequent changes of judges causes the Social Service Department to be practically ignored, and inasmuch as the persons named for such work are burdened by other duties, very little is accomplished.

The preliminary investigation of women defendants consists merely in the taking of an uncorroborated statement of the girl without a verification of any fact, even the address. These statements are taken by a woman court attendant. There is no general practice of making even as much of a preliminary investigation as this of the male defendant, although there are some exceptions. In a table furnished by the Probation Department concerning nineteen men and fifty-seven women, placed on probation during 1920, it was shown that the statements of seven men and seven women were taken prior to their being placed on probation.

I will say just a word about the organization of the Adult Probation Department. The Adult Probation Department is composed of probation officers, one half of whom are appointed by the Municipal Court and the other half by the Circuit and Superior Courts. All three courts join in selecting the Chief Probation Officer. Al-



though a woman probation officer is assigned to the Morals Court she is seldom called upon to investigate cases and therefore does not remain continuously in the Court. A man probation officer is not assigned permanently to the Court. When a case is placed on probation, the practice is to have the probation officer assigned to that court, make out a history sheet from information obtained from the clerk of the court, from the probationer herself, and from the judge. It is not uncommon to discover that the girl does not live at the address given. The history sheet contains further notices obtained from the medical department and the psychopathic laboratory after the case has been referred there. When the history sheet is completed it is turned in to the adult probation department which assigns the girl to the woman probation officer in charge of the district where the defendant claims to reside. This officer calls upon the girl once or twice a month, as it seems advisable, and the girl must also report in person to this officer on a certain day each month to the Adult Probation Department. During the first six months of 1920, 18 men and 69 women were placed on probation by the Morals Court, and one man and three women of those transferred from the Morals Court to the jury branch. Of 100 women who had had two known previous arrests, 14 were placed on probation. Of those who had had three known previous arrests 7 were placed upon probation, and of those who had had five or more known previous arrests two were placed on probation.

I shall now discuss briefly the Morals Court of Philadelphia.

The Philadelphia Municipal Court has a more limited jurisdiction than that of the Chicago Court. The branch of the court in which morals cases are heard is called the Misdemeanants Branch. This branch has exclusive jurisdiction over street walkers and also incorrigible children between the ages of 16 and 21. Arraignments are also had in this court of keepers and inmates of disorderly houses, male bawds, and persons charged with fornication or adultery. The last named offenses, however, must under the Pennsylvania law be tried before a jury, and such cases after arraignment go either to the Criminal Branch of the Municipal Court or to the Court of Quarter Sessions. A trial *de novo* is not permitted in the cases in which the



Misdemeanants Branch has exclusive jurisdiction. The trials in this court are summary and very rapid. Preliminary investigations are made by the probation department before trial. A history sheet is supplied to the judge by the chief probation officer of the court, showing brief facts relative to prior arrests and convictions, work record, etc., and after conviction of defendant the judge is guided in his disposition of the case largely by the advice of the probation officer.

There are many excellent features of this court: a detention home that is provided in the same building with facilities for mental and physical examination of all defendants; fingerprint records of all women arrested are made; the entire proceedings of the court are taken down by a court reporter and preserved. The man is frequently arrested with the prostitute and charged with disorderly conduct. The same facilities are not available, however, for the man as for the woman. The ordinary disposition of the man's case is either discharge or a small fine. The disposition of the girl's case may be a commitment to the state reformatory for women at Muncie; a commitment to a house of correction; a continuance for medical treatment of the defendant at the Gynecean Hospital—a hospital set aside exclusively for the Municipal Court—probation, accompanied by attendance at the state venereal disease clinic for ambulatory cases in need of medical oversight; straight probation for those having no medical condition, and discharge.

At the time of this study there were 16 probation officers assigned to the Misdemeanants Branch. These consisted of an administrative head, who is a man, a court representative who is a woman, a woman probation officer, four women probation officers for street-walking cases, 8 women probation officers for investigation and follow-up, and one male probation officer. The thing in which the Probation Department of the Philadelphia Court, in my opinion, excels, is in its preliminary investigation. This is facilitated by a practice whereby the police, after arrest, bring the cases of all women arrested for offenses, tried before the Misdemeanants Branch, immediately to the detention home, which is located in the same building as the court. This at once makes them available to the probation officer. Upon arriving

at the detention house the girl is interviewed by a probation officer and then her story is verified so far as possible by visiting the address given, inquiring at place of employment, and verifying marriage and living conditions. The previous record may be ascertained at once, as all women brought into the detention house are fingerprinted before trial. The physical condition is also ascertained, as examinations are made at the detention house and reports of laboratory tests are available within twenty-four hours.

"Probation to report for medical treatment is another important phase of the work of the Probation Department. Formerly this type of probation was described as 'medical probation,' but later, when the officers realized that legally there was no such thing as placing a girl on 'medical probation,' they were careful to have her placed on probation on condition that she report for treatment. If a girl is diseased so as to be infectious, the judge defers sentence and continues the case until such time as she is rendered non-infectious; for that purpose she is sent to the Gynceean Hospital, which is described a little farther on. When the medical superintendent there pronounces her non-infectious, but recommends that she take clinical treatment, the girl is returned to court and usually placed upon probation with the proviso stated. Recently (November, 1920) a trained nurse with special experience in the court on cases of venereal disease, has been assigned to follow up such probation cases. The Medical Department furnishes her with a list of those required to report and each week she goes to the State Dispensary to check up the girls from the records there. If, after two or three warnings, the girl still fails to report, her probation officer is notified and if her efforts are unavailing a bench warrant is issued. As this system had been only recently installed at the time of our study it was not possible to secure figures that would throw further light on the practice. Sometimes the girls are kept on probation in this way for one or two years. The State Dispensary discharges a case after two consecutive tests taken a month apart, for syphilis; and three consecutive smears taken two weeks apart, for gonorrhea.

"Mental and physical examination: A preliminary, routine mental test is made of all cases brought to this court, with a few excep-

tions which will be explained later. This test consists of a fifteen to thirty-minute interview with each girl, conducted by one of three psychiatrists assigned to the work. If any girl so interviewed seems to require intensive study, a psychiatrist other than the one selecting her, is assigned to that task. This department has been created rather recently and so far its chief function has been to diagnose, making recommendations for commitment and to prevent certain unsuitable types from being placed on probation. Its aims are somewhat broader. The director hopes to undertake educational work within the court as well as without. He plans to give lectures to probation officers, describing the different mental types encountered in court work and methods which can be applied to those unbalanced in any way. He wants probation officers trained as 'psychiatric social workers.' Feels also necessity of arousing community to importance of this work. His department was making at the time of our visit about 400 mental examinations a month for the whole Municipal Court, where formerly about 30 examinations were made a month.

"Occasionally a girl at the Morals Court is not examined because she is brought in a night before one of the three court days; only a short time is available before her appearance in court and in that time she must be fingerprinted and have a general and pelvic examination; also be interviewed by probation officer. And so it happens that her case may be called before opportunity is given to test her mentally. If her case is continued, however, the test is made."

In the Boston Court there is less specialization than in the other two courts. Morals cases, classified under the Massachusetts statutes as offenses against chastity are heard in the second session of the Municipal Court. This is a non-jury court and although the court has full jurisdiction of all misdemeanants, except conspiracy and libels and of all felonies which are punishable by imprisonment in the State Prison for not more than five years, yet inasmuch as all defendants are entitled to a jury trial under the Massachusetts Constitution, the sentences, trial, and every action of the Municipal Court may be set aside automatically by the defendant demanding an appeal. In the event of an appeal the case is tried *de novo* before the

Superior Court with a jury. This system has a weakness in that the Superior Court, being already overcrowded with serious offenses, the district attorney is forced to the alternative of getting far behind in his calendar or else bargaining with the defendant's attorney for securing a *nol proso*r for placing the case on file. This has the further disadvantage of vesting quasi-judicial discretion in the district attorney which he was never intended to have. The knowledge that such a procedure will be followed is sure to have its effect upon the judges of the Municipal Court, forcing them to make much different disposition of the case than they otherwise would and resulting in what practically amounts to a barter between the court and the defendant. Because of this practice many people are placed on probation who were never entitled to probation. This situation is keenly felt by the Chief Justice and present personnel of the Municipal Court and recommendations were made to the last Legislature by the Judicature Commission to remedy these obvious faults.

### THE "CRIME WAVE" AND PROBATION

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Within the past year, there has developed a greatly increased public interest and discussion of the crime problem in America. Whether this has been occasioned by an increase in the amount or seriousness of crime as compared with former years is open to some question, but there is no question about the increased interest. Every agency concerned with the effective treatment and prevention of crime should be vitally interested in the direction of this awakened popular interest.

America has always had a crime problem. The publication of Raymond B. Fosdick's book "American Police Systems," has focused public attention on the fact that there is far more crime in proportion to the population of this country than in any other large nation. Even with systems of crime detection and administration which permit a large proportion of criminals to escape arrest and conviction,

500,000 men, women and children entered correctional institutions in the United States in a single year, according to the last special census report on crime. The total cost of crime in the United States has been estimated at two and one half million dollars a day.

According to Mr. Fosdick, in the average American city there are, under ordinary circumstances, from 7 to 10 times more crimes of a serious nature committed each year than are committed during the same period in English, French and German municipalities of similar size. New York City frequently has more burglaries in a given year than all England and Wales put together. Chicago, in 1918, had 12 robberies for every one robbery in England, Wales and Scotland. It is time the public was awakened to meet this grave social problem.

The question of whether we have been and still are suffering from an acute increase in crime, justifying the expression "crime wave," is less important than that of devising means for solving the ever-present crime problem. The question is of special interest to us, however, as there have been some attempts, though few and scattered, to relate increased crime to increased use of probation and other scientific and humane systems in which we believe.

So far as statistics are concerned, I have seen none that demonstrate any general increase in crime during the past year. On the other hand, I have obtained figures indicating a decrease. In New York State complete figures of arraignment in 42 of the 59 cities of the state, including all the large cities, show a decrease in arraignments of 8,600 in 1920, as compared with 1919. In 10 of the largest county courts, trying felonies, there was a decrease of over 1,000 cases in 1920.

A questionnaire was sent out during January and February last, to the Police Commissioner or Chiefs of Police in most of the country, asking for facts about the crime wave, if any. Replies were received from New York City, Boston, Baltimore, Pittsburgh, Cleveland, Cincinnati, Detroit, St. Louis, Washington, Minneapolis, San Francisco, Buffalo and Rochester. Each and every letter brought a denial that there was any crime wave in that particular city. A number submitted figures to prove it. For instance, in Buffalo, the

Chief of Police reported that there was a decrease in 1920 in each of the following groups: homicides, burglaries, hold-ups, pockets picked and automobiles stolen. The total decrease in these five major groups, as compared with the total in 1919 was 675, or 27 per cent. In Detroit, where there has been much crime-wave talk, there were fewer arrests for five major crimes during the last three months of 1920 than during the same period in either 1919, 1917 or 1916.

It is, however, generally admitted that there has been an increase in many cities in crimes of violence and that these have been generally more flagrant and sensational. The majority of these crimes, as will be recalled from the newspaper stories, have been daring hold-ups and burglaries. These spectacular crimes have been made more so by being "played up" by the newspapers. "The Crime Wave" is a reportorial phrase. It seems evident that certain newspapers, lacking the sensational war news which filled the press and sold our papers by the millions, have exaggerated sensational crimes for ulterior motives. At any rate, no true perspective can be gained from the newspapers on this question, although unfortunately the great majority of people have practically no other source of information.

We know that there have been a series of startling crimes in New York City, Chicago and other cities. There has been a general lawlessness prevalent. What are the causes of this? Undoubtedly the principal and fundamental cause is the after-effects and unsettled condition following the war, including the serious industrial depression and consequent unemployment. Something like a crime wave or outbreak of lawlessness has followed every great war in history. It is easy to understand. There is a moral break-down or relaxation. There is the vast problem of the returning soldier, unadjusted to industrial life, used to adventure and the reckless use of fire-arms. The practically unanimous testimony of all directly dealing with crime has been that these are the causes and practically the only causes of the so-called crime wave.

Have probation, parole, the indeterminate sentence and other humane and modern methods of dealing with crime anything to do with increasing serious crime? There is not a shred of evidence to

show this and few have made such a claim, even the Chiefs of Police heard from, with two exceptions, made no such claim, and these two thought probation all right in its place, but that it was used too much. The very fact of no general increase in crime in spite of economic and other post-war conditions, the general and well-known decrease in the population of penal institutions, and the successful results reported everywhere by probation officers; these undoubted facts serve to exonerate probation.

But we must go further. We must, in our respective communities, show that probation has decreased crime and proven itself not only a safe but a valuable and effective measure in helping to solve America's crime problem. To us this is a truism. We have seen probation successfully at work so long that we forget the need of convincing the public of its value. Periods like this bring out this constant need. We must take the public into our confidence, otherwise the reactionaries may succeed, as they haven't yet, in repealing or limiting probation laws, and increasing penalties for crime, as well as abolishing the indeterminate sentence and parole; all backward steps.

Criticism of probation generally resolves itself into criticism of the misuse of the system by certain judges and the inefficiency of its administration.

The Chicago Crime Commission in its last report on criminal courts took occasion to criticise the probation law, and called for its modification so as to give less discretion to judges, or else suggested its entire repeal. Subsequent correspondence after the commission had heard from judges and other friends of probation, brought forth the statement from the Operating Director that he had no doubt of the value of probation, but that what the Commission criticized was its faulty administration. Doubtless they are justified in much of their criticism. Such criticism, if constructive, may be very useful both in bringing about a better selection of probation cases and in strengthening the probation staff. Other criticisms, when not merely reactionary hostility to any form of leniency or scientific, individual treatment of crime, may usually be traced back to actual defects in probation systems needing attention.



We cannot at this time place too much emphasis on discrimination in the selection of probation cases based on thorough investigation in each case, and on the need for trained adequate probation staffs. Most of the defects and consequent criticisms of probation have been due to lack in these two directions. This has been repeated again and again at probation conferences, but the idea must be gotten over to the public. Probation is not for the habitual offender nor for the real criminal, who is dangerous to the community; it is for the far larger class of early offenders led into crime through ignorance or misfortune, or else environment, and showing evidence of a sincere desire and effort to reform. Probation, if wrongly used, either through lack of knowledge of the offender or because of political or other pressure brought to bear upon the judge, is no more to be condemned as a system than the power to suspend sentence, to prescribe minimum penalties or the power generally exercised in the lower courts to acquit. In fact, probation is much safer for the community than any of the above, as it puts the delinquent under a real system of discipline and repression, and unless the offender responds he is promptly brought back by the vigilant officer. The efficiency of the probation officer is what the probation system must ultimately stand or fall by.

At the present moment there is an effort being made, sponsored by the Governor, to repeal the suspension of sentence law in the State of Texas. This would be unfortunate, as it would tie the hands of the judges completely and make the development of an adult probation system impossible. The time has passed, however, for any state to fail to realize the absolute necessity of probation work in order to make suspended sentence safe.

Instead of being discouraged at popular criticism, it seems to me that the probation officer should welcome and use it. Let him but convince the public that probation is a valuable method, more efficient than imprisonment in at least half the cases that come before the courts, producing results in actual reformatations and the prevention of crime that no reformatory institution can ever hope to equal, and he will be given the staff and equipment which his work deserves.



## THE FUTURE OF PUBLIC CORRECTION

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I am, as you might express it, a brand but recently plucked from the burning—or shall I say, jail bird but recently plucked from his cage. It is only by that painful and tortuous process that I have come to a realization of the importance of the work which has been so eloquently celebrated before you this evening by Judge Backus. Not that we have not all known of the desirability of prevention rather than cure, not that we have not all of us been convinced of the absolute necessity of saving our children from letting their feet take hold on the pathway that leads to hell, but each one of us becomes so wrapped up in his particular phase of the work in delinquency that everything else shrinks into comparative insignificance for the time being; and it was not until long after I had made escape from Sing Sing prison, my parole period expired, and my citizenship fully restored, that I was capable of looking about me and seeing the place which Sing Sing Prison, and the penal system of the country generally, holds as an element in the social problem.

Prisons are still to be described in much the same language, many of them, that Judge Backus employed in describing those of the ancient period of the history of the race. We have not yet completed the change from vindictive punishment to treatment of the offender, but, on the other hand, we are shifting the emphasis from cure to prevention. The effect of both of these tendencies is increasingly to shift the burden of social control from the traditional legal agencies to newer agencies of a more flexible and scientific character. Where the legal agencies retain jurisdiction, as they do whenever they can, they are insensibly—sometimes sensibly—transformed into the spirit of social service. The social control of delinquency is passing into the hands of the social worker, whether he wears the robe of a judge or the more modest garb of a probation officer or police-

woman. Along with all this there is marching another tendency, which I can best express by supplying a phrase of Tennyson's: "The institution withers and the world is more and more."

Badly as it has, however, for the most part, performed its task, there is something to be said for the correctional institution. So long as we thought in terms of reform, the miraculous transformation of character, there was always the hope that the ideal man or woman might come along and give us the ideal institution which should make virtue impregnable. But the new psychology has dashed that hope. Life, character, and virtue are not as simple as all that appears. They are not canned goods, to be taken up in cloistered seclusion, but are the result of effort, the by-product of living in society. It is by the primitive process of trial and error that we learn to adjust ourselves to the complex conditions of life, growing more complex and more difficult with advancing civilization. And character is only these processes solidified into habit. It is only in society that we can learn to be social, acquiring the activities, the reactions, the forbearances that make up the social virtues. There is still room for the institution, but let us free our minds from regarding it as the place where the social virtues can be inculcated. The social virtues cannot be inculcated; they can be acquired by practice in the social arena, and in no other way. I see a certain utility in institutions. These correctional institutions, when at their best—I did not tell you how rarely they are at their best—do in fact perform a necessary function. There is someone has said of the law—it was St. Paul, if I remember rightly—that it was added because of our transgression. Institutions are added because of our transgression.

I believe that there is a steady, constant increase in delinquency, not represented by crime waves, which are only the iridescent bubbles on the stream of crime that is forever flowing through our civilization, but the volume of that stream of crime increases in every civilized country, apparently, according to statistics gathered over long periods of years. A good deal of light upon the probable causation of that phenomenon is thrown by statistical revelations which have recently been made as to the intellectual capacity of the human race.

We achieved a great thing, we thought, at Sing Sing, when we

discovered that twelve per cent of the inmates were insane in the strictest medical sense of the term, victims of insane delusions; that another eighteen per cent were psychopathic to the point of irresponsibility, and that twenty-eight per cent and a fraction were feeble-minded. Then comes Dr. Adler of Illinois, who makes a similar examination of the inmates of Joliet Prison and of the State Reformatory for Men, in Illinois, and says that the inmates average a little higher than the general population; but he does not dispute Dr. Glueck's conclusions.

There is no doubt that we have vastly overestimated the intellectual capacity of other people besides ourselves. They are not up to the level that we supposed. We find that a very large portion of our population is born with capacity suited only to a very much simpler social state than that into which they are born; and that a large and increasing number find it difficult to adjust themselves to a civilization which makes constantly increasing demands upon intelligence and will,—upon the thing we call character. To mention nothing else than the increase in wealth and the temptation which goes with the increase in wealth, the large opportunities for getting away with it in our great congested cities, and the terrible competitive struggle for existence—to enumerate those more salient features of the situation—we can see that the weaker ones among us are almost doomed to fall and be cast onto the slag dump, in our jails and penitentiaries, unless something is done to prevent it.

We are not surprised, therefore, to find that there is an increasing quantity of crime, which calls for increased measures of repression on our part. Our increasing measures of repression, of course, get us nowhere. The old methods of terrorism have always failed, and they always will fail. It takes only an elementary psychology, and only the slightest tincture of Christianity to accept that conclusion. The struggle for existence which Darwin pictured to us is not, as Huxley believed, at an end; it is merely entering upon a new phase. Many times we allow the victims of our civilization to die in the gutters, but more and more are we seeking to save them from our prisons and penitentiaries and from going to the destruction to which those lead the way. It is not a question of goodness or of badness. It is

a question of weakness, or of strength, to meet the condition of a peculiar situation. In New England, where I have lived a good deal, and way down in Nova Scotia, they call the feeble-minded "the innocents," and in all ages of Christian history, the innocents—the feeble-minded—have been regarded, in the Middle Ages certainly, with a peculiar tenderness and peculiar sympathy because their child-like natures reminded the people of the age of faith of those words: "for such is the Kingdom of Heaven." So it is not a question of virtue or vice or of goodness or badness; it is a question of adaptability to the demands of a singularly complex and difficult situation.

Now the way out is the way of prevention, as the judge has so eloquently said, and the instrumentality of prevention is in the first instance the probation officer; the probation officer yoked up with the court, on the one hand, and with all of the saving instrumentalities of an official character in the community on the other hand. But the probation officer must cease to regard himself or herself, if he or she is to perform this greater function of exercising an effective guardianship over all of our weaker ones, as merely an adjunct of the court. The function is one that in a way transcends the jurisdiction of the court. It is one that must be exercised long before the court comes into play. It must undermine the court, in other words. What I plead for is that the probation function should be regarded more particularly as a function of guardianship of the weak, that it should be consciously expanded so as to reach classes tending toward delinquency which haven't yet come into the jurisdiction of the court.

I was talking the other day with an intelligent policewoman, largely self-educated, and she said, "Don't think of us as 'cops'; our job is a different one; the 'cop's' job is to bring people into court; our job is to keep them out." The function of the probation officer should be rather to keep his and her wards out of the court, to get hold of them before the court acquires jurisdiction. For that purpose we may need the aid of the law, we may need a law like that over which we have been struggling in New York recently, which gives the court jurisdiction over young people up to the age of twenty-one, who have committed no overt criminal offense or overt act of delinquency, but who are in danger because of bad companionship, the

places in which they have been found, and are, as the act describes them, "in danger of becoming morally depraved." But further back than that the probation officer may go if he is to become the guardian of the weak. He must tie up with the schools, and every child that shows wayward tendencies in the school must be brought under the influences which the probation officer can command; influences, I mean, of character and personality and training and of home mending, in order that the child shall not go further on the road even to such an amiable institution as the juvenile court. And further back yet, in the home, I don't know how we are to spread the net wide enough, and yet make its meshes close enough to make it fairly effective.

A few weeks ago in my own city, New York, an inspector of police came to see me and asked me whether there wasn't some way in which I and my force, who were working in the cause of delinquency generally, could help the police to organize clubs or something, he said, in every precinct in the city, and he said, "We are willing to deputize a certain number of our officers to do nothing but get acquainted in the neighborhood and keep an eye out for the young people and see whether they are going straight or not, and then take it up with their folks, if they are not going straight, and in the meantime draw as many of those as we can into our clubs. And," he says, "these policewomen—I never thought much of them; it seems to me they might be made useful that way; they might do some work that way." He said he was gradually coming to discover, just as this policewoman, that policewomen were not really fit to be "cops," but rather protective officers.

The future in the correctional field lies in this work at the threshold of the door that opens into the alley, that leads to the prison, penitentiary, or even to the home for delinquent children. It is there that the great work of the future, the real saving work must in the beginning be done. As I have said, it cannot be done through any narrow construction of the function of the probation officer. It cannot be done only through association with the court; neither can it be done through a vague spirit of helpfulness, not backed by a consistent policy. What I ask is that the Probation Association

shall develop a wider field of operation for the probation system; that it shall study carefully the province of prevention, and its opportunities, and that it shall then courageously demand from the state and from private sources, all the resources that are needed to carry on that work on the scale that is requisite in order to make it effective. The money can be had. It can be had either from the state or from private sources, if you can once show the importance of it and show the ability on your part to plan and carry it out.

May I add one thing? You must not be content to rely over-much on volunteer service. I do not discourage the benevolent intentions nor the occasional efficient work done by volunteer workers—whether in the name of big brothers and big sisters or not—all honor to them. At the same time the really effective work is going to be done by an army of trained workers. I mean by that that the probation officer generally should seek a kind of training which generally he and she has not had; that in this profession as in other professions we shall not rely exclusively upon the apprenticeship system, but insist upon a background of knowledge of the nature and conditions of our profession. If it is necessary or desirable at least that the judge be trained in law, that a lawyer who practices before him should have a legal education, if it is quite obvious that the medical profession should have training before entering upon its province of cure of the physical ills, let it be understood that this cure of the social and moral ills of the community, that this dealing with the great social cancer of delinquency requires perhaps just as much learning, as ingeniously sharpened wits and also—shall I say—a finer social spirit than is found in any other profession. Now, social spirit is generally not lacking. Like seeks like; the law draws its own kind from the colleges; the church draws its kind; the medical profession draws its kind. They are different, not always in individual cases, but upon the whole the lawyer type of student, with whom I was familiar when I was for many years a teacher of law in Columbia University, is a very different chap from the doctor type, who turns to the medical school; and so the social worker type is a different one, drawn by that appeal. We speak of a call to the ministry, and a man is called to the bar in England; so we feel the call to this new

and exhilarating service in which we are all engaged, and we draw the type of people we want, that we need; but we want them to sharpen their wits and to enlarge their learning by schooling and carefully planned and supervised training for the work they have to do.

With that, I have nothing more to say, excepting to congratulate myself that I find myself associated with you men and women in a work that makes such an appeal and that contains within itself such great and abiding rewards. It is not only virtue that is its own reward. It is work. It is the work we can do, and the work we want to do and the work that is in it, the element of service to the community. The law is making absolutely no impression, not a dent, in the volume of crime, through our present system of punitive justice. It is not even holding it down, as I pointed out. I doubt if it is tending to hold it down. Justice Holmes, of the United States Supreme Court, said in an address delivered a few years ago: "Who of us has anything more than a blind guess as to whether our whole system of criminal law does not do more harm than good."

The only way in which to deal with the problem of crime is—shall I say—the method which has been adopted by the medical profession in dealing with the problem of physical disease. It is to search out the roots of the matter. Province after province of disease have been conquered for the good of man, in the last decade of the last twenty or thirty years, that is going to make the history of the first quarter of the century in which we now live. Let us make the history of the next quarter, by making as great and amazing steps towards solving the problem and eradicating the disease of delinquency and crime.



## CASE STEPS IN DOMESTIC RELATIONS PROCEDURE

LEON STERN, EDUCATIONAL SUPERVISOR, MUNICIPAL COURT,  
PHILADELPHIA, PA.

*(Illustrated with lantern slides prepared by the Municipal Court,  
Educational Department.)*

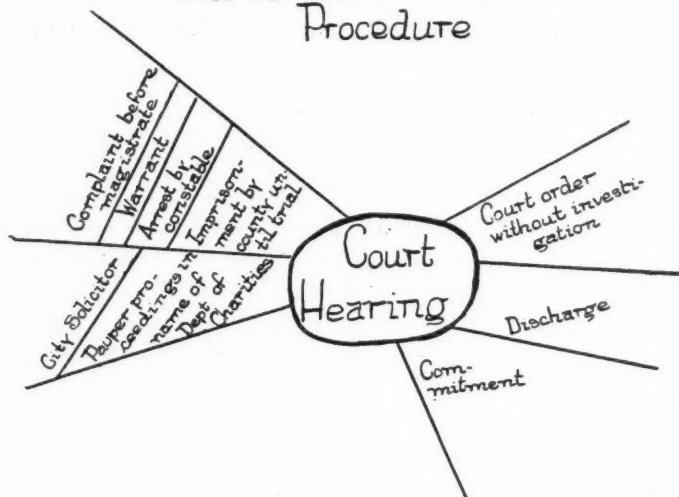
In order to make a presentation of the case-work steps in domestic relations procedure clearer, it might be pertinent to indicate the relation of the Domestic Relations Division of the Philadelphia Court to the other divisions of that court. The Municipal Court of Philadelphia is administered by a board of judges, a President Judge and eight associates. A chief probation officer is in charge of probation work, and under him are the probation officers with their staffs in charge of divisional work. The Municipal Court has the following divisions: Juvenile, Misdemeanants, Criminal, Civil and Domestic Relations. Each division of the court, except the Civil Division, has a probation staff. The Civil Division has conciliation workers. It is the work of the probation officers that is shown in these case-work steps.

The case-work steps outlined in this paper exemplify case-work social, legal and medical, necessary in the handling of any domestic relations case. I should like to present to you by diagram, the old method of domestic relations procedure and the new domestic relations procedure, showing by diagrammatic contrast the improvement of the new over the old. By referring to the diagram, you will notice that under the old procedure there was complaint before a magistrate on a warrant paid for by the wife. There was an arrest by a constable also involving a fee, and then there was imprisonment by the county until trial. Here was a double cost; a cost to the community and a cost to the wife. Then by pauper proceedings in the name of the Department of Charities, the City Solicitor prosecuted the wife's case in court, not in order to obtain what were justly her *rights*, but



to prevent her and her children from becoming a public charge on the community. The court hearing was the old-fashioned proceeding,

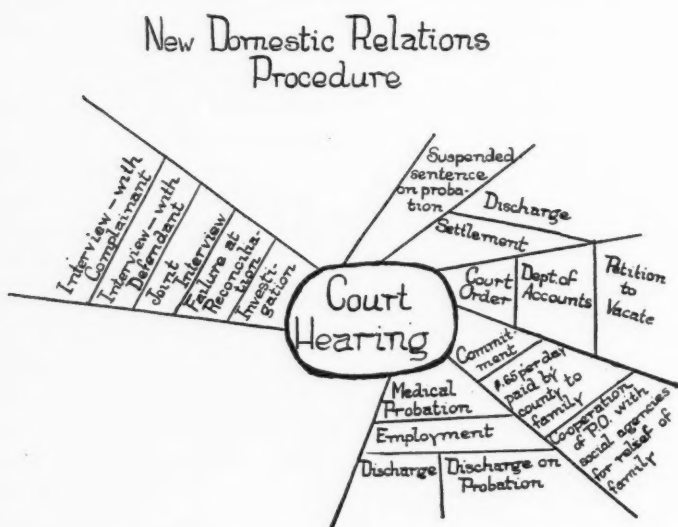
## Old Domestic Relations Procedure



witnesses were heard "pro and con," and the "judge," a magistrate not learned in the law, simply acted as referee for the family scrap. One of three things might happen as a result of this court-hearing; (1) commitment, (2) discharge, or (3) a court order without investigation. There was no pre-trial investigation and no supervision of the man or the family after court-hearing. If he paid his order, well and good. If he did not, it was up to the wife to drag him into court again.

The second diagram presenting the new domestic relations procedure, shows how all this has been changed in the seven years that the Municipal Court of Philadelphia has been in existence. Judge Charles L. Brown, President Judge of the Municipal Court, sits in Juvenile and Domestic Relations Courts himself. He decided that the old procedure, legalized through the Department of Charities, was all wrong. He felt that the wife should not come as a suppliant, but as a woman who sued for her rights. By referring again to the

diagram, the change is self-evident. There is no warrant to pay for, and no fees to be taken out of the scant purse of the wife. There is no arrest unless the case is very unusual. The steps before hearing, as shown in the diagram, are: (1) interview with complainant, (2) interview with defendant, (3) joint interview. Then there may be a reconciliation or a failure at reconciliation. If there is a failure at reconciliation, investigation follows. Then comes the court hearing; witnesses are not necessarily called. The Probation Department acts as expert advisor to the judge because it has all of the facts. The result of the hearing may be either discharge or suspended sentence, or probation, or there may be a court order paid through the Department of Accounts. If there is illness, medical probation follows; if there is unemployment, the Employment Bureau is used. If there is commitment to prison, the county pays the family sixty-five cents per day for the earnings of the husband while in jail and there is co-operation of the probation officers with social agencies for the relief of the family.



One can thus realize how many steps are involved in the handling of each new case under the new procedure. In the old way, unfortu-

nately still in vogue in many courts, there were only two steps, the hearing in court, and the carrying out of the court order or discharge. In the case-work method, under the new procedure, there are thirty-four steps, many of which are subdivided into a series of their own. This alone shows what progress has been made in the solving of domestic relations problems by domestic relations and family courts.

We see the following steps in domestic relations procedure with the aid of the slides, as they present themselves in a hypothetical case. This case is a composite picture of a number of cases that have passed through the hands of the Domestic Relations Division of the Municipal Court of Philadelphia. The pictures were posed by Mrs. Walter Dalsimer, member of the Little Theatre Company of Philadelphia, and Mr. Eugene V. Alessandroni, an assistant District Attorney, in the city of Philadelphia, posed as the husband.

(1) We are imagining that the origin of the trouble in this particular case is due to the extravagance of the wife and the arrogance and lack of understanding on the part of the husband who is abusive in manner. This is the stage at which the disagreement has come to a climax, following a long series of petty misunderstandings.

(2) The wife goes to the Domestic Relations Division of the court to make a complaint.

(3) Information desk. From this desk she is directed to the proper department, according to the nature of the trouble. For example, if the trouble is with her children, she is sent to the Juvenile Department, if between husband and wife, as in this case, to the Domestic Relations Department. At the information desk there are also on call, interpreters to help in directing non-English-speaking applicants.

(4) At the complaint desk she tells her story in brief, so that the clerk in charge may assign her to an interviewer, who hears her story in greater detail. She receives a numbered check in her turn, and

(5) Enters a private screened waiting room, where she awaits her turn.

(6) In the meantime a chart is sent to the record room, giving such facts as names of husband, wife and children, the street address, etc., for purposes of identification.

(7) In the record room the files are examined to see whether there is a record of this family in the Domestic Relations Division of the court, or whether the client is known in any way to this division. If there is a record, it is sent down through the chute.

(8) While the records are being examined in the record room to see whether the case is an old case or a new case, at the same time the cards are examined in the registration room to see whether the complainant is known to any other division of the court. It may be that the children are known in the Juvenile Division or an older son or daughter are in the care of the Misdemeanants' Division. The registration bureau records also show whether the family is known to any other social agencies in the city of Philadelphia. This is done by an unique arrangement with the Social Service Exchange of Philadelphia. For a long time it was debated whether the Municipal Court, a public agency, had the right to give out information except on individual cases to a private agency like the Social Service Exchange. This problem has been solved by assigning one of the staff of the registration bureau of the Municipal Court to work in the Social Service Exchange of Philadelphia. This worker advises the Municipal Court registration bureau what cases are known to other agencies, so that cooperation with those agencies may be established.

(9) While the mother is waiting her turn, the children are either in the nursery or in the yard, where there is a fountain and opportunity for play. The nursery, which is in charge of a nurse assigned by the Medical Department, will be described later.

(10) When her turn comes, the wife sees the interviewer. She tells her story to the interviewer without hurry or fear, because there is no one else present. In this particular instance, the wife, Mrs. X—, tells how and why the misunderstanding has grown up between her husband and herself step by step. Her husband is *abusive*, she says, and she is unable to continue living with him without the help of the court.

(11) The husband is now sent for. He receives a simply worded letter, telling him that his wife has made complaint. He is to call within the next five days between the hours of nine and five, whenever it is convenient, so that he will lose no time from employment or

business. John X— calls and tells the story of his wife's *extravagance*. That is his version of the family difficulty.

(12) Then the man and wife are asked to meet to talk things over together. Often it may be the first time in months that the man and wife have so come together; sometimes it is the first time in years they have met to discuss their mutual story—both with a fair chance of stating the case. Talking in the presence of a third person, a stranger, each must hear the other's side. The interviewer sits quietly listening, with only a friendly interruption now and then. Tactfully, decisively, she interpolates a question into the recital of the woeful story—she adds a wise comment here, a gentle phrase there; that puts the proper perspective on the heart-burning incident being recalled, and gives a kindlier turn to the words which have caused the long quarreling between husband and wife. And so, gradually, a little smile breaks into the sullen face of the man, a dimple appears in the tearful face of the wife. And presently they both smile—not to her, but to each other. And there is a re-established home, with man and wife happy and the children protected.

However, there are situations which cannot be settled by talking things over. In the case before us, there is no possibility of reconciliation at this stage of the situation.

(13) Mrs. X— now files a petition to bring her husband into court. She sues him for non-support. That is the regular legal proceeding.

(14) The field worker or probation officer who works in the home, is now called upon. The case is assigned to him for investigation. An assistant to the probation officer in charge of the Domestic Relations Division, makes these assignments.

(15) The probation officer visits the man in the home to induce him to return to his wife. He makes peace in the family, if he can. The court has what may be termed two separate staffs of peace-makers, field probation officers, both men and women, who are used as circumstances may direct, and the interviewers.

In this difficult case the probation officer does not find it possible to induce John X— to return to his wife.

(16) When the probation officer has made his home visit, he

dictates the result of his visit and his efforts at adjustment or reconciliation to the stenographer who is assigned to him for record work. At every step taken in the case a statement is dictated to the stenographer, who records it on the record within twenty-four hours. Every record has a face-sheet, giving the names of all members of the family, various addresses at which the family has lived during the progress of the case, names and addresses of relatives, churches interested, individuals and social agencies. There are also history sheets which are added to and upon which the various statements are dictated as the case progresses. We have found that it is not possible to do good case work without having good case records that are being continually kept up to date. As assistant to the probation officer in charge of the Domestic Relations Division, there is a case-supervisor whose business it is to oversee the work of the field probation officers and to see that the records are kept up to date.

(17) The home cannot be maintained. The wife takes her children and goes to her mother. Now the crucial step is taken, that of taking the case into court. All the other previous processes were extra-court proceedings, and were used to keep the case out of court. Although this case is a case that was not kept out of court, of the new cases in 1920, 75.5% did not get as far as a court-hearing. They were either reconciled or a weekly allowance was agreed upon, or the case was dropped.

(18) Before the case goes to court, the Labor Bureau makes an investigation of the man's earnings or income. It is the function of this bureau to discover from the employer what the earnings of the husband are, so that information may be of an authoritative character. The court does not depend upon the statement of the husband, nor does it depend upon the statement of the wife. It depends upon the Labor Bureau to obtain an exact statement of the earnings from the employer. If the earnings vary, a statement is given the court, showing the earnings over a period of two or three months. In the same way, if the husband is in a profession or a business, a statement is obtained from his books. If he does not keep books, it is the business of the Labor Bureau to analyze his sources of income, so that the court may have a clear notion of his income.

A second task of the Labor Bureau is to find employment for the men who are out of work, so that they can meet the order of the court. Sometimes when the Bureau finds employment for the husband out of work, the family differences are adjusted without a court order. Again, it may be necessary to obtain a change of occupation for the man who is not earning enough to support his family properly.

The Employment Bureau has a divisional organization with workers who specialize in analyzing income, in getting statements from employers, and workers who specialize in procuring jobs for men and boys, and those who specialize in getting jobs for women and girls.

The Labor Bureau has the heartiest cooperation of the employers of the city of Philadelphia. It does its work tactfully, so that the employee is not put in jeopardy of employment by reason of the investigation of the worker attached to the bureau. As a matter of fact, the same employer who gives information to the court about an employee, is also ready to hire a man recommended by the Labor Bureau.

(19) If a physical condition seems to be the basis of trouble, the probation officer refers the case to the Medical Department. The Medical Department is organized into three general divisions: (1) that of administration and general medical diagnosis, (2) the department for the treatment of venereal disease, which concerns itself with work in the Misdemeanants' Division of the Court (the division handling arrests for street-walking), (3) the neuro-psychiatric division. In this last department, mental or psychometric tests are given, and neurological and psychiatric examinations are made. Very often the basis of the trouble is found to be physical. The man is not physically able to work, or not mentally able to earn enough income for his family. In like manner, it is at times found that the wife is not well, or not mentally normal. When the case goes to trial, the Judge has before him a summary of the physical and the mental report. When necessary, the physician appears in court to testify. However, the report is usually explained by the court representative. Attached to the Medical Department is a visiting nursing staff. These nurses



visit in the homes and see that the recommendations of the physician in the department are carried out.

Since the medical Department does not give treatment, it is the function of the probation officer and the nurses to make contact between the client of the court and his or her private physician. Where there is no private physician, the proper contact is made with the Medical Social Service Department of a hospital or with the proper social agency.

(20) At the court-hearing the judge reviews the case. He hears both sides. He has before him a summary of the case, giving the work done so far on the case, and he can make a decision accordingly. The court representative is at hand to give more detail if necessary. He represents the Probation Department and is able to give a full account of the work of the probation officer who handled the case. The Employment Department report, giving an analysis of wages or income, is included.

At the court-hearing, the judge makes an attempt, as did the probation officer and the interviewer, to bring the family together. Even in the court room, the policy of adjustment and reconciliation, which is the court's policy in all domestic relations cases, is carried out. However, the judge sees that reconciliation is not possible in this case. He makes a court order for the support of the wife and two children. For while the court's policy is that of reconciliation, its policy is not to force reconciliation. A right basis of understanding between the husband and the wife is desired, before reconciliation is attempted. This may be brought about later by cooperation between the Probation Department and the social agencies.

(21) During the court-hearing, the children are in the day nursery. This day nursery is a completely equipped one. The nurses assigned to duty there are trained nurses working under the direction of the Medical Department. All do field work, giving one month to work in the nursery. They are familiar, therefore, with social problems in the homes. The Medical Department also has a dietitian, who visits those homes where improper cooking or poor home management is the primary cause of the difficulty.

(22) At the court-hearing, the man signs his own bond. He is



not obliged to give real estate security nor is he sent to jail. The court depends upon the probation officers and the police to apprehend the man who fails to meet his obligation. Of course, in signing his bond, he binds himself legally to pay the court order, and to live up to his word.

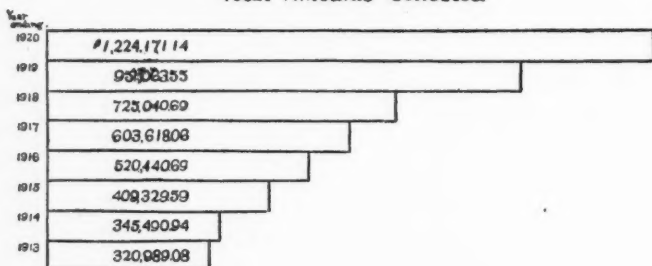
(23) Next he goes to the Department of Accounts and pays his court order. The order is usually made for a weekly sum.

(24) The Department of Accounts keeps a complete record of the man's payments, and files and enters the account immediately after the hearing. Due allowance is made for illness or other real reasons for delinquency. The outside limit is four weeks. After that follows investigation, and subsequent legal action if necessary. During the year 1920, the Municipal Court collected \$1,224,171.14 for the benefit of wives, mothers and children of the city of Philadelphia, and since its existence the Department of Accounts of the city of Philadelphia has collected \$4,710,091.74. The work of the Department of Accounts can be seen by reference to the table which shows the collections for all the years since the court's existence. It shows graphically how collections improved after the new socialized court was established in 1914, and how collections have gradually increased as the Probation Department became more efficient and developed a more definite technique for collections. Besides the Department of Accounts, there is a Delinquent Accounts staff, under the direction of a probation officer, who is an assistant to the probation officer in charge of the Domestic Relations Division. Members of this staff go through the cards of the Department of Accounts every day after closing hours, and sort out the cases of delinquents. Once a week an evening session of court is held to round up the men who are in arrears. The Delinquent Accounts Bureau has its office open on this particular evening to receive collections. While the delinquents present a peculiarly difficult problem because of the shiftless husband and the husband who escapes jurisdiction, on the other hand, unemployment and illness give a legitimate reason for arrearage. There is a special agent who finds delinquents who leave the city and escape to live in other parts of the state, and also those who go to other states.

(25) Within twenty-four hours after the man pays his court order, the money is sent to the wife. She is not obliged to come for it as a charity case, but the court sends it to her as her right. If the man pays by check, five banking days are allowed before the check is sent out. In the case of this particular family, everything goes well for many months. The wife receives money regularly, and the probation officer visits the man from time to time, waiting for the psychological opportunity to affect a reunion.

### Municipal Court of Philadelphia, Department of Accounts

#### Total Amounts Collected



(26) But there comes a day when he is surprised to learn that his probationer's arrears are mounting up, so that some action is necessary. The account of John X— is found among the delinquents.

(27) The probation officer now makes a home visit and finds that his probationer, John X—, is sick. Illness is one of the most usual causes of delinquency. This case needs the cooperation of the Medical Department. The usual procedure is bringing into court the delinquent who refuses to pay. If he fails to do so, he is sent to the House of Correction. Under the Sixty-five Cents a Day Law, his earnings, sixty-five cents a day, are remitted to the wife. Of course, this is a pitifully small sum and it is only a last resort where the court takes this course. When a man goes to jail, the only thing that usually happens is that he stores up wrath in jail and reconcilia-

tion is made more difficult if not impossible. But of course, when the husband is brutal, or addicted to vicious habits, this is the only action possible.

(28) When John X—— stops the payment of his court order, the income of the family is stopped. The probation officer visits the wife to make some plan for the best thing to be done under the circumstances. The plan for Mrs. X—— is that she consult the Employment Bureau of the court so that work can be found for her.

(29) It is the task of the Employment Bureau to find work for husbands, mothers, wives or children, boys and girls. Many thousands of jobs are found for clients of the court. In this particular case, Mrs. X—— had been a salesgirl before she married. She visits the Employment Bureau, which makes a plan with her, and

(30) Employment is found for her as a saleslady.

(31) An important factor in all this work is the proper keeping of statistics, so that a check can be kept on all the work of the court, and so that the probation officers may be guided by past records for work in the future. As the charts come from the different probation departments to the Statistical Bureau, which is under the direction of a statistician, there are two important steps. The first is the making up of a code card by the aid of the punching machine. All information is codified by means of a numerical system and the code card is punched according to the information on the records. A second step is the tabulating of the information on the code card by means of the tabulating machine. Machines used by the United States Census Bureau are used by the Municipal Court. There were 9,843 Domestic Relations cases in 1920.

(32) This case has now reached the stage where a number of factors are involved. The mother is away from her children, the children are with relatives, and the father is sick. At this stage of the game, a case conference is usually held. The case supervisor, the probation officer in charge of the Domestic Relations Division, and the probation officer working on the case, endeavor to work out a plan for the family.

(33) It is thought best to have the children examined, since the health factors have entered in this case. The pediatricist first takes

charge. The Medical Department has a completely equipped staff for neurological, psychological, psychiatric and general physical examinations. Cooperation has been established with hospitals throughout the city for treatment of court clients. As has been described, there is a dietitian to teach home-cooking and proper preparation of meals.

(34) The plan hit upon is to get the cooperation of other outside agencies in the re-establishing of this home. The husband and father is sick. This is the psychological moment when such a family can be reconciled. The united effort of the Medical Department, the probation officer and the case-supervisor, in cooperation with other agencies, results in the reuniting of John X—— and his family.

The various procedural steps outlined, show that it is just as important for a domestic relations court to do good case work as it is for a private social agency. Good case-work in the domestic relations court means: (1) that every attempt must be made to keep the case out of court, and (2) that a complete investigation must be made before trial, so that expert social interpretation can be prepared for the judge. It also means that the probation officer assigned to the case must be completely and continuously in charge, and that the other departments of the court called in, must give their help according to a preconceived plan. In order that an adequate plan may be made for each case, it is the business of the case-supervisor to assist the probation officer in formulating such a plan. It is also the business of the case-supervisor of the court to establish cooperation with the other social agencies of the city. For the problem of the family coming to the court is not an isolated problem belonging to the court alone; it is a problem of the family, and belongs to the entire community. We are not, as in the old days, simply trying to prevent a family from becoming a public charge, but we are trying to help the family in finding its own place in the community.

Slides of these procedural steps in domestic relations case-work have been prepared by the Municipal Court of Philadelphia and can be obtained when their use is important, either for the purpose of a court or organization where their use is desired as propaganda for the introduction of a similar system elsewhere.

## DEVELOPMENTS IN FAMILY COURT WORK

JUDGE CHARLES W. HOFFMAN, DOMESTIC RELATIONS COURT,  
CINCINNATI, O.

I don't believe there is one court in the United States that fully comes up to the standard demanded by the National Probation Association. You remember that in 1918, 1919 and 1920 the Association passed resolutions providing for the organization of family courts and defining their jurisdiction. That jurisdiction briefly was in divorce and alimony cases, cases of failure to provide, all cases arising under the juvenile court acts, all cases providing for adoption and also guardianship of the person but not the estate; it also provided that the court should have jurisdiction in the administration of mothers' pensions, and that they should be equipped with psychological and psychiatric laboratories. I say to you again that there are very few courts that have facilities for doing this work. We generally divide the jurisdictions into the various phases of the work.

The movement for domestic relations courts, however, throughout the country, seems to be spreading very rapidly indeed. It has made great progress. During the last year there has been a law passed providing for the creation of a domestic relations court in the city of St. Louis. It was my pleasure to attend a meeting of the social workers of that city that had been called for the purpose of formulating a program that would control the policies of that court. I will say to you that at that meeting there were more than twelve hundred of the people of St. Louis present; it appeared to me a sort of dedication of that institution to the public service. I look for much from the Court of St. Louis. I believe if it were not for the efforts of the women it would not have been possible to obtain a domestic relations court in that city.

There is agitation for those courts in many jurisdictions in the West, especially in the city of Minneapolis. Judge Waite has made highly commendable efforts along this line; he has written an article

that you will find in the February number of the *Minnesota Law Review* upon the domestic relations court.\* It is one of the best contributions on this subject that has come under my observation, and I believe it would be well for this association to publish it as a publication of the association, because we are so frequently asked for information upon this important subject.

There has been an agitation in the city of Baltimore very recently for the organization of a domestic relations court, and I believe that at the next session of the Legislature a bill will be presented for that purpose. There has been an agitation in the city of Wilmington, more particularly, for the rejuvenation of their juvenile court, and it is probable that they will have to do something in that respect before the domestic relations court can be organized.

We find throughout the various states a difference of opinion in reference to just what the domestic relations court may be. It appears to me that it would be well for this Association to appoint a committee for the purpose of devising or formulating a program or a plan under which these courts can be organized. I have had so many communications with reference to these courts that it is impossible for us to take care of the correspondence and assist the people who desire to be assisted.

The Domestic Relations Court as provided by the National Probation Association has been started in the Hawaiian Islands, and no doubt in a very brief period the court will be in operation. The Minister of Justice of Japan, whose name I am not able to remember or pronounce, not only visited the court of our jurisdiction but also in New York, and was very much impressed with the plan of the National Probation Association. He took our resolutions back to his own country, and I have reports that unquestionably in Japan the courts will be organized upon the plan suggested by the Association.

I want to say at this point that it is impossible to organize a domestic relations court that will function in any degree successfully unless you have an excellent or up-to-date juvenile court organization preceding it. In other words, the domestic relations court im-

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\* Reprinted in this Report; see page 59.

plies the consideration of the family as a unit. While an integral part of that unit is the work that comes into the juvenile court, the domestic relations court must be built and constructed altogether upon the principle that is involved in the juvenile court, and therefore it is necessary for a thorough comprehension of the reason and purpose of the juvenile court before we are enabled to map out a program for the organization of a domestic relations court.

Undoubtedly the increase in divorce during the last few years has increased the interest in these courts. It is impossible for us to tell the cause of divorce or know what is the cause of divorce or family dissension as it manifests itself in the divorce court. If this committee can, by their investigation, find the main causes that lead to marital difficulty and strife, and that will lead to the cause of delinquency of children, we will have accomplished a great deal.

### Discussion

MR. JOHN W. HOUSTON, Chief Probation Officer, Municipal Court, Chicago: It has been said that there is nothing new under the sun, and I think sometimes that it applies particularly to the domestic relations court. We are really having human frailties to take care of; disease, mental and moral deficiencies, laziness and poverty, strength and weakness, love and jealousy, confidence and suspicion; all these things the probation department in connection with the domestic relations court has to deal with. The domestic relations court, of course, is a criminal court. I don't think criminal procedure ought to apply to domestic relations, but you cannot get along without the criminal end of it, because there comes a time when it has got to be used, and often it has to be used to the extent that a man has to be sent to the house of correction a number of times.

The basis of all successful domestic relations work is an investigation prior to the case coming into court. You cannot get the proper result without the judge knowing all about the case, and the judge never gets a full knowledge of the case when the case is heard before him only. In Chicago, we are not dealing with the rich, nor are we dealing with the middle classes; we are dealing with the poor and uneducated, and from my experience we are dealing mostly with persons of foreign birth, and many times persons who cannot talk the English language.

When a judge is assigned to the domestic relations court, he should be assigned for a long period of time, as long as possible. The idea of a judge being assigned to the domestic relations court simply because he is running for office and wants to get a little notoriety, or thinks he would like to try it out for a few days, is to my notion foolish. He should be assigned for a long period of time so he can get accustomed to the cases, and not be taken off his feet, as some of them are when they hear one side.

In the domestic court there is no necessity of a lawyer for the complainant; there are no costs; there is no necessity for pleadings; and when the final order



is entered, you have a probation department which collects the money, or sees that it is collected, or brings the man in. None of those things are in effect in our courts where divorces or separate maintenance are granted, but these courts are constantly calling on my department for investigations in their divorce cases, and to get the men to make payments without putting them in jail.

It is exceedingly important that you have a real probation officer handling these cases. The success of any individual case is largely due to the tact of the officer who has supervision. If you have an officer who hasn't any patience or who is lazy, or who is excitable, and who takes sides, he cannot get results; but if you have a real officer, one who does not take sides either with the man or the woman, that uses the best judgment possible, and who is willing to go out at all times, under all circumstances, to try and accomplish results, whether it is in the night time or daytime, why you will get results that you would not get in any other way.

JUDGE J. HOGE RICKS, Juvenile Court, Richmond, Va.: May it not be helpful to have a committee appointed to tell us just how a family court can be worked out in actual practice? It seems to me that we ought to work out a plan that will apply not only to cities but also to the rural districts. It seems to me it is very important that the court which handles the childrens' problems in the country districts should be empowered to handle non-support cases and delinquency cases, and all those cases that touch so vitally the life of the child.

JUDGE KATHRYN SELLERS, Juvenile Court, Washington, D. C.: Through the appointment of such a committee I believe if the Association made an effort to work in cooperation with the bar associations in each state, getting the attorneys and the lawyers in the community in favor of this change of jurisdiction, we could accomplish something.



## COURTS OF DOMESTIC RELATIONS\*

HON. EDWARD F. WAITE, JUDGE, DISTRICT COURT,  
MINNEAPOLIS, MINN.

Courts of domestic relations, or family courts, as they are coming to be called, are among the newest of the specialized courts with which we have been experimenting in the United States during the last twenty years. Not only by reason of their novelty, but because they differ among themselves in organization and jurisdiction, they have not yet come to be generally understood. This is illustrated by recent occurrences in our own state. For several years our social workers, who are usually the first to be interested in new attempts to relate the state's authority to social maladjustments, have been quietly discussing this subject and wondering when the widening circle of propaganda in favor of the family court would reach Minnesota. When the State Conference of Social Work met in Minneapolis last October it was rumored that there probably would be submitted to the incoming legislature a bill for the establishment of a court of domestic relations. Not for the purpose of promoting such legislation, but rather in order to forestall a possibly premature and ill-considered measure, a committee was appointed to study the whole question and report to the conference in the fall of 1921. About the same time a committee of the Hennepin County Bar Association took up the subject for investigation, and certain progressive organizations of women, eager for improvement of the conditions of family life, made the family court a plank in their legislative programs. Presently there appeared in a local paper an interview with a member of the district bench, favoring, under the name of a court of domestic relations, the specialization of the divorce court, with appropriate organization to protect the interests of the public. At once there was a tempest in the professional teapot. Lawyers rose in protest against interference with the established order, and a meeting of the Bar Asso-

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\* Reprinted by permission from the *Minnesota Law Review* for February, 1921.

ciation, called to discuss the general scheme of the family court, became a lively forum for debating pro and con the propriety of raising barriers against easy divorce.

Marriage being the fundamental domestic relation, it might well be expected that a court which by its name professes to deal with such relations would have jurisdiction of the dissolution and annulment of marriage; and yet there is but a single state (Ohio) where such courts have been given divorce jurisdiction. One may desire more efficient handling of divorce matters, and to that end may favor judicial specialization in that field, and yet not be interested in the development of courts of domestic relations like those now functioning; and one may covet for the large cities of Minnesota the sort of judicial organization which in a dozen other states goes under this name, without being willing to give it authority in cases of divorce. Therefore, let us clear up our terminology by at least finding out what courts of domestic relations really are.

One need not be a profound student of affairs to have observed that in the last quarter century the emphasis of public opinion as expressed in statutes and decisions of the courts has made a notable shift away from preservation of the rights of private property as the chief object of the law, and toward securing and safeguarding the welfare of people,—people as individuals and as grouped in the community. This process of humanizing and socializing the law and its administration has gone on more rapidly in substantive than in adjective law, probably because the influence of the conservative legal profession has been most effective in the field of procedure. But beginning with the juvenile court in 1899 one can trace the process of socialization in the latter field, expressing itself in the wide and rapid spread of juvenile courts and the development of courts of conciliation and small claims, morals courts, traffic courts, and courts of domestic relations; in quasi judicial instrumentalities, such as rate commissions,\* industrial accident commissions, minimum wage commissions, the so-called "court of

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\* It is not forgotten that rate commissions long antedated 1899, and that in their origin at least, they were mere business expedients, untinctured with any purpose to "socialize" law.

industrial relations" in Kansas; and in agencies for securing justice for the poor, such as legal aid bureaus, private and municipal, and the public defender, and in the increasing use by criminal courts of scientific aids and organized probation. The court of domestic relations in a product of this tendency. Its genesis is not obscure nor its growth difficult to follow.

The basic ideas of the juvenile court are not new; they are as old as chancery. The new things that happened in Chicago in 1899 were the working out of these ideas to their logical conclusions as legal concepts, and the creation of an agency to make them effective; that is, an organized and socialized piece of judicial machinery. The child in need of the guardianship of the state, whether dependent, neglected or delinquent, was cared for in a single court instead of several, as before, with adequate administrative aid at its command. The next steps were taken in Colorado a few years later, when the juvenile court was empowered to deal with parents and others responsible for conditions that brought children into court. These "contributory delinquency and dependency" laws, spread rapidly to other states, until now practically every juvenile court has this cognate jurisdiction, except when barred by constitutional provisions. The natural way in which this sort of court came gradually to be clothed with added functions is seen in the history of the juvenile court of Indianapolis.

"It was organized in 1903 and dealt with juvenile delinquents, truants and neglected children on petition of the board of guardians; in 1905 it assumed jurisdiction over contributory delinquency cases; in 1907 it was empowered to consider cases against parents for abandonment, non-support and neglect; to take children away from vicious parents, and if parents were separated, to decide which one should have custody of the child; finally it was given charge of homeless, abandoned and destitute children. In 1911 the court changed its name to the Marion County juvenile and domestic relations court because it had been dealing with every variety of case handled in a domestic relations court except divorce, alimony and closely allied cases." \*

\* Mangold, Problems of Child Welfare, 374.

A similar development may be traced in Ohio, New Jersey, Virginia and Oregon.

The first so-called domestic relations courts, however, were not juvenile courts and most of them are not now. The earliest was established in Buffalo in 1910, and was a city court of limited jurisdiction, specializing in cases of non-support. Of the same sort were and still are the domestic relations courts of Greater New York, (one each in Manhattan, The Bronx, and Brooklyn), Boston and Kansas City. The highly organized municipal court of Chicago, took on a domestic relations branch in 1911, to deal with cases of non-support, illegitimacy and offenses against children, including abduction and statutory rape. This has been from the first a popular and efficient court. At a dinner given in celebration of its first anniversary and attended as a testimonial to its success by nine hundred of the leading citizens of Chicago, Judge Goodnow, who had carried the court through its first year, stated its demonstrated advantages in terms which may be summarized as follows:

1. Uniformity of decisions and treatment of offenders;
2. Removal of women and children from police court environment;
3. More intelligent understanding and sympathetic treatment of cases;
4. Opportunity to discover and check causes of dependency and delinquency;
5. Opportunity to make an effort to keep the family and home together;
6. Efficiency in dealing with non-supporting husbands;
7. Facilities for aiding deserving women and children;
8. Unification of record system;
9. Promptness in disposing of cases.

A recent statement from Judge Harry A. Fisher, now sitting in this court, is worth quoting as giving the point of view of "the man on the job":

"The advantages of having such a court are in the main the possibility of establishing a social service department in connection with it, which is required to make investigation of cases and, when possible, to avoid bringing these matters before the court either by effecting reconciliations or by obtaining voluntary contributions for the support of the families, and to look after a proper collection of the money ordered for the support of wife or child. A separate

court for these matters also develops expertness on the part of the judge who is assigned to preside over it. It separates these cases from the other cases that are usually brought before the criminal branches of the court; and, above all, makes it possible to treat these cases from a social point of view. The proceedings are less formal and the court is not limited to the trial of bare issues of fact. It is in a position to call to its aid the numerous private social agencies which exist in the city and which are able to help solve many domestic problems. In fact, our court has become much more a great social agency than a court. The judicial power is resorted to only where coercion is necessary."

The municipal court of Philadelphia (1914) has shared with that of Chicago the distinction of being especially well organized and efficient. It has a juvenile branch\* and a domestic relations branch, but the administrative work for the two branches, in the way of investigation and supervision, is done through a unified system. Like other domestic relations courts it commands the service of probation officers and in a remarkably complete organization, as well as that of medical and psychiatric experts, such as have been found indispensable to the work of juvenile courts. It has jurisdiction in cases of non-support, desertion, illegitimacy, habeas corpus involving children, and abandonment of parents.

Chapter 296, Laws of Oregon, 1919, established a court of domestic relations in Multnomah County (Portland) with exclusive jurisdiction in cases under the juvenile court laws, adoption and commitment of feeble minded, epileptic and "criminally inclined" persons under nineteen years of age. Concurrent jurisdiction with the circuit court in non-support cases was also conferred.

The obvious field for the court of domestic relations,—assuming that it has a legitimate field, and the presumption seems to be in its favor in view of the foothold it has quickly gained even in conservative communities,—is the large city. Specialization is one of its essential features, and it is difficult to see how this can be secured in a rural district. The differences in the judicial machinery of the states, and sometimes in that of different cities in the same state,

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\* In Chicago the juvenile court is a branch of the circuit court.

are so great that no precise analogy can be found to conditions in the three large cities of Minnesota. Perhaps the court most nearly like what is now being discussed in Minnesota is found in Cincinnati, where there is a "division of domestic relations" in the court of common pleas, a court of general jurisdiction. In 1913, section 1639 of the General Code of Ohio was amended so as to provide that one of the judges of the court of common pleas shall be elected under the designation on the ballot of "judge of the court of common pleas, division of domestic relations"; and that to him shall be assigned all cases of divorce, alimony, non-support and desertion, together with all matters arising under the juvenile court act, including the administration of "mothers' pensions." The court has been open six years and seems to give general satisfaction. Those who are interested to inquire into its spirit, methods and results, with special reference to divorce matters, are referred to the address of Judge Charles W. Hoffman before the Boston meeting of the American Institute of Criminal Law and Criminology.\*

Act 186, Laws of Michigan, 1915, provided an elaborate scheme for the city of Detroit. This measure, which was passed unanimously by both houses of the legislature, created a domestic relations branch of the circuit court, with a judge elected under a special designation, as in Cincinnati. Jurisdiction was given in divorce and annulment of marriage, non-support, desertion, minor offenses against children and illegitimacy. This act was declared unconstitutional in *Attorney General v. Lacy*,† chiefly on the ground that the classification by population, limiting the operation of the act to Wayne County, was special legislation. Decisions of the Minnesota supreme court seem to indicate that a different conclusion would have been reached in this state.

Constitutional obstacles have prevented the spread of the new idea in New York beyond the present limits. The legislature of 1920 proposed an amendment to the constitution providing as follows:‡

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\* Jour. of Crim. Law and Criminology, November, 1919.

† (1914) 180 Mich. 329, 146 N. W. 871.

‡ 3 N. Y. Laws 1920, pp. 2521, 2522. (The amendment has since been adapted.)

"The legislature may establish children's court and courts of domestic relations, as separate courts or as parts of existing courts or courts hereafter to be created, and may confer upon them such jurisdiction as may be necessary for the correction, protection, guardianship and disposition of delinquent, neglected or dependent minors, and for the punishment and correction of adults responsible for or contributing to such delinquency, neglect or dependency, and to compel the support of a wife, child or poor relative by persons legally chargeable therewith who abandon or neglect to support any of them."

It will be observed that no divorce jurisdiction is included in this proposal.

The social workers' ideal of the family court is set forth in the report of a committee of the National Probation Association, presented in 1917. Judge Hoffman, of the Cincinnati court, was chairman. The report recommended jurisdiction in:

"(a) Cases of desertion and non-support; (b) Paternity cases, known also as bastardy cases; (c) All matters arising under acts pertaining to the juvenile court, known in some states as the children's court, and all courts however designated in the several states having within their jurisdiction the care and treatment of delinquent and dependent children and the prosecution of adults responsible for such delinquency and dependency; (d) All matters pertaining to adoption and guardianship of the person of children; (e) All divorce and alimony matters."

In this grouping there appear to be three underlying ideas: the interest of the state in the conservation of childhood, the intimate interrelation of all justiciable questions involving family life, and the need for administrative aid in the wise solution of such questions. Concerning the general scheme Dean Roscoe Pound, of the Harvard Law School makes the following discriminating comment:

"What seems to me the true dividing line is this: The main work of the courts is with the economic activities of the community—in a large sense property and contract. Next to that comes injuries to personality through the aggression or negligence of others. In these cases the administration of justice calls for rules or stand-



ards applied according to a settled technique. On the other hand, in the class of cases belonging to a domestic relations court the technique of application of legal rules has more of an administrative character. Attempts to deal with these cases along the lines of property and contract have failed. We have had to recognize that common sense and experience backed up by adequate administrative facilities and a staff of social investigators, and even, perhaps, a psychological laboratory, are required for a proper administration of justice in this field. This does not mean that we should make the mistake of setting up separate courts of hard and fast jurisdiction, but rather that in our courts of general jurisdiction we should make provision for specialist judges handling this group of case as a unit. In the end it is wasteful for a man whose time is primarily given to that portion of the administration of justice which has to do with interests of substance to turn from time to time to fragments of situations calling for a different sort of treatment, and involving different interests, and endeavor to deal with them through a different technique. The chances are infinite that he will do what, by and large, most of our judges have done, namely, apply the habits and methods of property law and commercial law to the solution of problems of human conduct."

Do we need the family court in Minnesota? And if so, in what form? The reader who desires to answer these questions for himself should examine somewhat intensively the situation as it now exists in our large cities. Let us take Minneapolis, with which the writer is most familiar, accepting the foregoing scheme as a standard and bear in mind that the object sought is to increase judicial efficiency through specialization and access to administrative aid.

(a) *Desertion and Non-Support*.—Desertion is handled in the district court, often with the aid of unofficial social workers in preparing the evidence, and with a probation officer to supervise in the event of stay of sentence. The same is true of non-support in the municipal court. It may well be doubted whether cases of the latter sort are handled more humanely, wisely or successfully in any of the courts of domestic relations than in the municipal court of Minneapolis. In 1919 there were 154 cases. Reconciliations, still



effective at the end of 1920, were brought about in 24 families, while collections under court orders totaled \$37,481.20. In 1920 the corresponding figures were 152, 26 and \$55,200.26 respectively. In the district court there is no specialization, the criminal assignment being passed successively to eight judges, each keeping it two months. In the municipal court each of three judges has the criminal branch four months during the year.

(b) *Illegitimacy*.—Establishment of paternity and collections for support are in the district court, under the criminal assignment. Aid in securing evidence, adjusting the mother and making collections from the father is given by an agent of the County Child Welfare Board. Disposition of the child may be through an adoption proceeding in the district court, under the "court" (equity) assignment, or through a dependency proceeding in the juvenile court. In either case administrative aid is available from the Child Welfare Board for investigation and supervision.

(c) *Juvenile Court Matters*; i.e., delinquency, dependency, neglect, "contributory" cases against adults, county allowances ("mothers' pensions").—All these go into the juvenile branch of the district court, under an assignment for not less than one year, giving opportunity for specialization. There is good administrative machinery,—probation officers, investigators of allowances to mothers, correctional schools and various unofficial co-operative agencies.

(d) *Adoption*: in the district court, "court" assignment.

*Guardianship of the Person of Children*. in the probate court by constitutional provision, except as special custody is authorized by the juvenile court act.

(e) *Divorce and Alimony Matters*.—These are disposed of in the district court, under the "court" assignment, except where adultery is alleged; then under the "jury" assignment. No administrative aid is available, and there is no specialization.

In some of the proposals for family court jurisdiction there are included other offenses involving the welfare of children besides the "contributory" cases noted above. It seems plain to the writer that felonies, such as "carnal knowledge," have no proper place in

the scheme; but something can be said for the inclusion of offenses against the "general welfare" policies of the state involving the morals, education and health of children, such as violations of child labor and compulsory state education laws, furnishing forbidden articles to minors and admitting them to forbidden places. These offenses are for the most part misdemeanors, triable in the municipal court. Aid in child labor cases from agents of the state bureau of labor and industries, and in school attendance cases from representatives of the local board of education, is available, in addition to service from probation officers.

It will be observed that in practically every class of cases making up the ideally complete jurisdiction of the family court, as suggested by Judge Hoffman's committee, except divorce cases, the aid of a social service organization, official or unofficial, is already at the disposal of the judge. In many divorce cases, especially when custody of children is involved, the need for similar aid is keenly felt, and the propriety of the court's employing it can be denied only by denying the interest of the public in suits involving the marriage relation. The idea that the use of investigators in divorce matters would lead to star chamber methods is not borne out by local experience in other fields. Much time of the court is wasted, and much expense incurred by people who can ill afford it, in disputes over alimony. The well-known contrast between the lax enforcement of such payments in the district court and the efficient methods of collection in the municipal court under orders in non-support cases, speaks loudly in favor of administrative aid for this branch of divorce business at least.

It is not necessary, however, to create a new court, or even a domestic relations division of the district court, in order to secure the benefits of administrative aid in divorce and alimony matters. It is obvious that this can be done simply and directly. The thing that cannot be done without carefully devised legislation is to bring to a focus in a unified judicial tribunal all the work needing to be done in or through the different courts, in the fields above indicated, or so many of them as it is thought best to combine. As to whether this would be worth while, people will differ according to the measure

of their sympathy with the modern tendency of the courts toward socialization; and according as they do or do not believe that the business of administering justice and executing laws for the public welfare, when delegated to the courts, will profit, like other forms of business, by organizing details and by training to expertness through accumulation of experience, those who are the responsible heads. The inbred conservatism of lawyers tends to array them as a class on the negative of this proposition; but there is very respectable opinion on the other side: witness the publications of the American Judicature Society. The social workers, a keen and tireless group, are to be reckoned with; and the newly enfranchised woman is not likely to be long delayed in pursuing her ideals for the betterment of family life by mere legalistic use-and-wont. The family court seems to be on the way: if it is not to arrive the obstacles must be made to appear substantial.

But on one point, surely, there should be no conflict of opinion among intelligent citizens, and least of all among members of the legal profession: the stronger the movement of public opinion toward departure from the beaten paths of judicial procedure, the more alert and diligent should be the leaders of the bench and bar to find in which direction lies the general good.

#### BIBLIOGRAPHY

- Articles, addresses and reports by Judge Charles W. Hoffman, Judge of the Court of Domestic Relations of Hamilton Co., Ohio (Cincinnati).  
 Report New York Probation Commission, 1916, p. 329.  
 Report National Probation Association, 1917, p. 82.  
 Same article in 8 Journal of Criminal Law and Criminology, 744.  
 Report of National Probation Association, 1918, p. 133.  
 Same article in Proceedings National Conference of Social Work, 1918, p. 124.  
 Journal Criminal Law and Criminology, November, 1919.  
     CHICAGO (Branch of Municipal Court)  
 Report, 1917.  
 Baldwin, 3 Journal Criminal Law and Criminology, 400.  
     PHILADELPHIA (Branch of Municipal Court)  
 Reports, Philadelphia Municipal Court, 1915, 1919.

#### MISCELLANEOUS

- Report, New York Probation Commission, 1915, pp. 56, 509, *et seq.*  
 Report, New York Probation Commission, 1916, p. 56.  
 Report, New York Probation Commission, 1919, p. 46.  
 Report, National Probation Association, 1918, p. 9.

Report, National Probation Association, 1919, p. 113  
Courts in the United States Hearing Children's Cases, publication No. 65,  
U. S. Children's Bureau.  
Mangold, Problems of Child Welfare, 374.  
Eliot, The Juvenile Court and the Community, 155.  
Flexner and Baldwin, Juvenile Courts and Probation, 10.  
Bartlett, The Newer Justice, Atlantic Monthly, Sept., 1920.  
Smith, Justice and the Poor, Chapter XI.  
Magistrates' Courts, City of New York. The Probation Service, 58.

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## THE ADULT PROBATION SYSTEM AND THE DUTY WE OWE TO THE ERRING

HON. A. C. BACKUS, JUDGE, MUNICIPAL COURT, MILWAUKEE

The world is in great unrest at present. Our economic, industrial, political and social life is threatened. Crime has been on an increase for some time, and will be for some time to come. The world war has had its effect upon social and economic conditions; it has affected individuals; but idleness and unwholesome conditions are the chief causes of crime.

In the past year over one million men, women and children have appeared before the bars of justice in this country, and this year the ratio will be greater. Now, what is the trouble? Why is this necessary? It is a tremendous drain upon the nation; we cannot go on without solving this tremendous problem and reducing the million to a minimum. It is too expensive to bring a million people and try them before the courts. The expense is still greater to send them to a place of confinement. But the expense is as nothing compared with the loss of citizens, especially of children and of young men and women. That is why you are here, in large measure, trying to solve this great problem. How can we reduce the million?

Punishment in the past, through all the centuries, has been very severe, but modern thought and humanity has moved rapidly from the spirit of the middle ages to a modern tolerant understanding of the causes of crime and of reclaiming and reconstructing certain offenders to usefulness in society. The treatment of offenders in our reformatories and penitentiaries in years gone by has been horrible. When we recall the dungeons of the Mamertine, the

Tower of London, the Bastile of Paris, the Spierberg of Austria, and of tens of thousands of other penitentiaries less renowned where the punishment was the same, where judges and communities thought that the only way to vindicate the law was to inflict torture and long sentences, we realize the horror and inhumanity of it all. It was practiced with unspeakable severity by the ancient Persians, Egyptians, Phoenicians, Athenians and Romans. The same system prevailed in the administration of the criminal jurisprudence all over the civilized world.

In the reign of Henry VIII they executed seventy-two thousand thieves for petty offences, being at the rate of two thousand a year. In the reign of George III they executed on an average ninety-seven persons per day in the city of London.

In 1816, George Barnett, a boy of the age of ten years, who was convicted of petty larceny, was executed at Newgate Prison. England punished by death for more than two hundred and three different offenses. It was so in France, Germany, and Russia. Punishment for the sake of punishment and torture for the sake of torture was very generally in vogue, with the thought that the communities might be better protected. At the mines of Siberia the most cruel and horrible punishments were inflicted. They called a man a genius if he would invent something that would add a little more cruelty and torture to the punishment of those individuals who were sent to the mines of Siberia. And with all the horrible punishments, that line to Siberia was getting longer instead of shorter. In England the jails and the penitentiaries were filled to the utmost, waiting for the hangman's rope. With all the terrible punishments that were inflicted upon these poor unfortunates in England, France and Germany, history shows that crime was on an increase rather than decrease, so that the system of cruelty has been a failure. It has been a failure for centuries; it will be a failure wherever it is practiced.

I am happy that I am living in an age in which we practice a little of the spirit of humanity. If it were not for Romely, Howard and Whitefield, I suppose the old criminal code and the punishments inflicted would have gone on for fifty years more in England.

I have for years studied the psychology of the entire situation, to find out what effect the penitentiary has upon a young man who has committed his first offense. I have invariably discovered that the young men and women sentenced to the penitentiary for a long period of time come back to the community only to find that society is more bitter than before, to find that employment is denied them, to find that they were pushed into the streets; and they finally became social outcasts; and society itself is responsible in a measure for the second incarceration of those young men and women. I have seen them go to the penitentiary fifteen, twenty times. One man, seventy-eight years of age, spent forty-eight years of his life in the penitentiary. What protection is that to the community, to keep on sending these individuals to the penitentiary, only to find that they come back to commit a more serious offense after having served a sentence?

It is a problem, what to do with men and women and boys and girls who have served in a penitentiary or reformatory. I believe that habitual criminals should not be sent to penitentiaries for short periods of time. I believe when it is once determined that they are habitual criminals they ought to receive a life sentence; better for them, better for the community that they are placed where they can do no more harm. Exhaust every remedy before you determine finally that they are habitual criminals; treat them humanely in the penitentiary; put them on public farms out in the fresh air; give them God's remedies, a lot of sunshine and fresh air; teach them how to work; segregate them from the community; but it is impossible for the habitual criminal to adjust himself to the social order.

I am a firm believer in probation; give a person every chance possible before you send him to the penitentiary. Criminals may be divided into three classes: the instinctive offender, the habitual offender, and the occasional or the single offender. The instinctive offender is what we term, in common parlance, the born criminal. But he is not born a criminal, he is a defective. It is congenital with him. He comes into this world as a defective. He may develop into idiocy with criminal tendencies. The mental defective

can never adjust himself to society or the social order, no matter what system may be devised. He, too, should be treated humanely and segregated from society. Then you come to the single offender, who may become the habitual criminal. He starts in somewhere with his first offense. He is made so because of environment. It may be his home conditions; it may be the situation as he finds it on the street; it may be due to his companions. It is environment that is responsible for his downfall. The habitual criminal some time in his life was a first offender, and it is the first offender, the person who has made his first mistake in life that I want to say a few words about this evening.

All of us have made a mistake in life at some time or other. We who are older and who have traveled on the highways of life know of its temptations, know of the pitfalls and the stumbling blocks that the youth will meet. And we owe it to the youth, as well as to ourselves, to give him the benefit of our experience in this great avenue of life, where we are all traveling. I say that the normal child, if he can be reached at the very beginning when he makes his first mistake, by some good friend, by some good neighbor, by the probation officer, by the court, with somebody to direct him for a time, that boy or that girl can be saved. Probation is not a species of leniency, as some people seem to believe. Probation is the scientific inquiry of those who are relatively socialized and those who are in fairly good environment, to show the way, to help and not to crush the offender. In this endless march of a million that pass before the bars of justice every year, there are thousands and thousands standing in that line who may be made good citizens of our community and country, if some one will just come in and extend the hand and show them the way.

It is true that in this line of a million there are many sub-normal. Give them the best medical treatment. I believe that every criminal court ought to have within reach a doctor, some one who has made a study of the defective and sub-normal; let the doctors advise with the court as to what should be done with the individual.

The probation system, in all its phases, whether it is the pro-



bation of juveniles or probation of misdemeanors or of adult felons, has been such a tremendous success all over this country, in every state where it has been tried, that Congress is now considering giving to the Federal Courts also the power to place on probation any offenders that come before those courts. I hold in my hand two bills, one a bill strictly on probation, introduced in Congress by Representative Kleczka, of this city, which has been referred to the judiciary committee; the other is an act to parole United States prisoners and establish a probation system in the United States courts. Both these bills are excellent and I have wondered why Congress has waited so long before they have moved to this situation; this should have been done twenty-five years ago.

The man or the woman who is engaged in bringing back the lost one, who is doing the constructive work of making better citizens, is receiving a greater compensation in life than all the gold of the world combined. The great trouble with all of us is we have all been seeking more or less the material things of life and we have forgotten our fellow men. We have very little time or very little feeling for the fellow who falls by the wayside or the fellow who stands in your way.

In the ten years that I have been on the bench and as prosecuting attorney prior to that, there were 1,845 who committed felonies—State's prison offenses—who had been given a chance on probation, and in ten years only three per cent were returned. Prior to the enactment of the probation system, an average of thirty-five out of one hundred, after serving one sentence, came back to this jurisdiction for the second offense. Which is more profitable to the community? which is more vital to the nation? To give your fellow man a chance, assisting him, helping to be the creative force in reconstructing him, or to do destructive work and let him linger and languish and waste in a cell in the penitentiary? There is the whole argument. It is not necessary for me to say anything further. The system has been tried. It is complete. In all the centuries, and nowhere in criminal jurisprudence or history, can you find anything that has equalled the system that has been in vogue in our courts in the various states during the past twenty-five years.

Some people in the community say: "Well, we have probation officers, we have judges; they have started the system, let them carry it out." That is a mistake. The community should not depend upon its probation officers and judges to save them; they should be saved and looked after long before they get into the court or to the probation officers. If a boy gets into bad company, if he is out late nights, his neighbor knows about it. What does the average neighbor do? Does he speak to the father and mother? No: he commences to gossip, and there is where the evil is done. The evil tongue has sent down more boys and girls in a community than anything I know of.

You are doing a splendid work. You are to be congratulated. I know what your trials are, and the labor and the energy you put into this great work. Keep up your splendid efforts; save the boys and the girls; save the young men and women from the penitentiary, if you can. Make better men and better women; that is what this nation needs. We cannot afford to lose a million every year. I have stood at the graveside every Memorial Day for years, and there I have mourned the fact that it was so terrible to have lost a citizen who had given up his life at the battlefront. I have heard my father speak of the days during the Civil War, and with tears in his eyes he said: "Oh, how awful to have lost so many of the nation's fine blood; they could have been of great value to this country if they had lived." And the orators are speaking all over the country today of the loss of our boys across the waters. How splendid if they could only be back with us and back in the community to help build up this great country. But who is saying anything of the million every year that are going down-hill; fine, healthy, robust, intelligent children. They, too, can be of great service to God and the nation, if we will but help them live a correct and decent life.

I want to congratulate you on the splendid work that you are doing. Let us resolve to do a greater and better work in the future. It has been well said: "We are living, we are dwelling in a grand but awful time, in an age on ages telling, to be living, to be helping, is sublime!"

## **ADULT HOUSES OF DETENTION**

**MRS. MINA VAN WINKLE, DIRECTOR WOMEN'S BUREAU, POLICE  
DEPARTMENT, WASHINGTON, D. C.**

### **Detention Only When Necessary**

It is an acknowledged fact that separate places of detention are necessary for juvenile and adult prisoners and that no women or girls should be detained in cells in police stations; however, detention under any circumstances should be absolutely limited to fugitives from parents or guardians, persons whose homes are unsuitable, or where vicious influences would cause damage to their character, or to them as witnesses, and those who would be a menace to the welfare of society.

### **For Shortest Possible Time**

Detention should be pending investigation, trial, and final disposition of prisoners. It is important that the period of detention be as short as possible, and in Washington we endeavor to make investigations before the person is taken into custody, so that in this way prisoners are taken to court almost directly after arrest and are not held thereafter unless by order of the court.

### **Under Police Department**

If detention is necessary, persons should be under the control of the two agencies authorized by law to hold them, namely: the police and the court. It is true that social workers have been too ready with destructive criticism of the police. It is up to the social agencies to see that the police are fit to do the work and have the proper facilities, and that the courts are so constituted that the cases are justly and expeditiously tried. It is inefficient and wasteful to use the police department as a sieve through which shall pass all kinds of delinquency problems to outside social agencies. Because these cases naturally come to the attention of the police and they are obliged to use the detention home more than any other agency does, it follows that the House of Detention should be under their control, and in most cities this control rests with the police.

### **Under Woman's Bureau**

In Washington the House of Detention is under the control of the Woman's Bureau of the Metropolitan Police Department. The members interview, investigate and adjust all cases. There should be only one interviewer. Every time a girl repeats her story of criminal or sex experience it damages her character and lessens her sense of shame.

### **House of Detention Experiment**

The ideal house of detention has never yet been worked out, therefore, we believed that the old hospital building which has been turned over to the Police Department for repair and use, would offer the same opportunity for experiment as a new building. Congress gave us \$18,000 to make the necessary changes and \$3,000 for equipment. It is estimated that in two months' time we shall have all of the best features for up-to-date detention work, that we shall at least measure up to the best standards in the most modern houses of detention already in existence. During a year's control of this particular question and survey of the very best houses of detention throughout the United States, it is necessary in this group of trained social workers to be frank to the point of saying that the claims of perfection for detention work generally, even in the best juvenile shelters, are overestimated.

### **Classification Impossible**

In the first place, with the inadequate staff that seems everywhere in control, proper classification is impossible. We are unable to determine whether or not cases are venerealized until the examination has been made and the result obtained from the laboratory. I do not believe that we should assume that cases are venerealized, but that every precaution should be taken to prevent infection of every kind. To this end we would advise that there be careful sterilization of all dishes, house clothing and household linens. After having lived with inmates in a reform school for three years, a fresh-air home for three years, and now in a house of detention for one year, I am convinced that proper classification is impossible

and could be attained only by giving each inmate an attendant and locating them in private apartments. This being utopian, the solution seems to lie in an adequate personnel of the highest possible type and training so that the closest and most intelligent kind of supervision can be maintained, with organized occupation, education, and recreation, together with opportunity for outdoor exercise.

### **Personnel and Salaries**

The highest type of personnel is the most vital question in detention and can be met only by paying adequate salaries. In many first-class houses of detention the employees are shockingly underpaid, and though they have wonderful plants that almost reach physical perfection, they are unable to secure the kind of people that can properly influence detained persons. It is much more difficult to administer a transient population of this kind than such a problem as would exist in a reform school or court institution where the population is at least fixed, much more nerve-racking to the worker, and much more exacting in every way to everyone concerned. The superintendent of such an institution, if she can meet the needs, ought to be paid an attractive salary and be provided with comfortable living quarters and good board.

### **Physical Side of House**

The house must necessarily be kept perfectly clean and have facilities for classification of the inmates as well as possible. The food should be of the best and well cooked. Just recently, in one house of detention, it was noted that the children were given nothing but a bowl of clear soup with a lot of soft bread for the main meal of the day. It is inadequate as the dinner, and with such a dinner one begins to wonder what the breakfast and the supper must be. In some houses it was learned that the food was brought in from outside restaurants, just as is the case in station houses, with the same result—that it is usually cold and very poor. The house, too, should have every facility for perfect physical care of the children, with plenty of bathing facilities, among which there

must be separate equipment for venerealized cases. There should be a model kitchen in which a girl can be inspired and taught to do certain definite household chores in the proper way. The kitchen should be as much of a school as the schoolroom.

### **Teacher**

There is every reason why the board of education in each city should supply the teacher and play instructor. The secret of success is in keeping the inmates just as busy as possible, making them just as wholesomely tired as possible each day so that they will be willing to go to bed when night comes and go to sleep.

### **Clinic**

Either the board of education or the health department should supply a fully organized clinic in the house of detention, with physicians and psychiatrists for medical and mental examinations.

### **House Plan**

A practical house may contain the following:

#### **FIRST FLOOR:**

1. Woman's Bureau, Police Department.  
Application and complaint desk.  
Interviewing rooms.  
Record room.
2. Clinic for physical and mental examinations only; no treatment.
3. Steam laundry.
4. Receiving room and bath for boys.
5. Store room; boiler room.
6. Shower and locker room for policewomen.

#### **SECOND FLOOR:**

1. Director's office.
2. Superintendent's room.
3. Employees' room.
4. Dining room.
5. Emergency rooms for dependents or for stranded women and girls.

6. Recreation and school room.
7. Receiving room and bath for girls.

**THIRD FLOOR:**

1. Recreation and occupation room for boys.
2. Bedrooms for white boys.
3. Bedrooms for colored boys.
4. Boys' showers and toilets.
5. Boys' dining room.
6. Bedrooms for officers and caretakers.

**FOURTH FLOOR:**

1. Recreation and occupation room for girls.
2. Bedrooms for white girls.
3. Bedrooms for colored girls.
4. Dining room for girls.
5. Kitchen.
6. Showers and toilets for girls.
7. Bedrooms for officers and caretakers.

### **Shyster Lawyers**

Since the women have had charge of the House of Detention in Washington, we have almost entirely eliminated the shyster lawyers who were accustomed to getting easy access to the female prisoners and who succeeded in getting them released on cash collateral, with the result that many times the same offense for which a girl was arrested would be repeated the same day. If, because of good home conditions or proper parental care, a prisoner is not in need of detention, she should be released as promptly as possible on bond.

### **Types of Cases**

The types of cases that come to our attention include the following: stranded persons, psychiatric cases, missing persons, delinquents, destitute unmarried mothers with their infants, and female offenders who are brought in by the police, with the exception of old repeaters and chronic "drunks."



### Civil Service Requirements

The good house of detention is—so to speak—its personnel, and the method of securing the workers is as follows:

#### UNITED STATES CIVIL SERVICE EXAMINATION

*Attendant, House of Detention*

METROPOLITAN POLICE DEPARTMENT

WASHINGTON, D. C.

JUNE 8, 1921

The United States Civil Service Commission announces an open competitive examination for Attendant, House of Detention, on June 8, 1921, at Washington, D. C. Three vacancies in the Metropolitan Police Department, Washington, D. C., at \$1,080 to \$1,200 a year, plus increase granted by Congress of \$20 a month, with room and board, and vacancies in positions requiring similar qualifications, at these or higher or lower salaries, will be filled from this examination, unless it is found in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

*Citizenship and Sex.*—All citizens of the United States who meet the requirements, both men and women, may enter this examination; appointing officers, however, have the legal right to specify the sex desired in requesting certification of eligibles.

*Duties.*—The duties of appointees will be to care for the physical and general welfare of the children in the delinquent boys' department and delinquent girls' department of the House of Detention. Appointees must be persons of education and training in the care of children in order to qualify them as resident workers and caretakers of dependent, defective, and delinquent children.

*Subjects and Weights.*—Competitors will be rated on the following subjects, which will have the relative weights indicated:

<i>Subjects</i>	<i>Weights</i>
1. Practical questions along the lines of the duties of the position.....	40
2. Letter writing (a letter of not less than 250 words on some subject relating to the duties of the position).....	20
3. Education and experience.....	40
Total.....	100

*Experience Required.*—Applicants must have had at least six months' experience as a resident worker or caretaker of dependent, defective, or delinquent children; or one years' experience in the care, discipline, and maintenance of good order of women in institutions or factories. Special credit will be given for education and training in the care of children.

*Age.*—Applicants must have reached their twentieth birthday on the date of the examination.

*Oral Examination.*—An oral test will be given to determine personal characteristics of address and tact, judgment, personality, adaptability, and general fitness for the performance of the duties of these positions. This test will be given to competitors in the order of their average percentages, and only to such number as will be necessary to meet the needs of the service. *A competitor who fails to pass the oral test will not be eligible for appointment.* Competitors will be notified of the date and place of the oral test.

*Photographs.*—Applicants must submit to the examiner on the day of the examination their photographs, taken within two years, securely pasted in the space provided on the admission cards sent them after their applications are filed. Proofs or group photographs will not be accepted. Photographs will not be returned to applicants.

*Applications.*—Applicants should at once apply for Form 304, stating the title of the examination desired, to the Civil Service Commission, Washington, D. C. Applications should be properly executed, excluding the medical and county officer's certificates, and filed with the Commission at Washington in time to arrange for the examination of the applicant.

*Issued May 5, 1921.*

## THE DEVELOPMENT OF PROBATION IN THE SOUTH

MRS. W. P. McDERMOTT, CHIEF PROBATION OFFICER, JUVENILE  
COURT, LITTLE ROCK, ARKANSAS

I am half inclined to change my subject and to make it read "The Lack of Development of Probation in the South." In doing this I am sure I shall be able to interest you in a far greater way and to show you our needs.

As I am thoroughly familiar with probation in only one of the Southern states, I shall confine my remarks chiefly to conditions prevailing in that state, believing that conditions there are typical of all southern states. If I should make a statement which is unfair, or untrue, of your state, just remember that I am speaking of Arkansas, whose shoulders have grown broad and strong by the load of ridicule and criticism, sometimes undeserved, which she has carried throughout the years.

The developments of probation in the South have been slow for many reasons, chief of which are the lack of understanding of the true meaning of the work and the failure to realize its need. Our section, as you know, is largely rural; our cities, with a few exceptions, not large, and far apart. We are much removed from the center of social work activities. We have few followers.

It is only within the last ten or twelve years that the southern states have had juvenile court laws. It has required a great deal of work, a great deal of patience on the part of a small group of people who believed in the necessity of juvenile courts to continue to work for them. I am sure all of you know how difficult it is to sell, as it were, a brand new idea to the average legislator. It would be a great deal easier to get him to pass a new stock law, or to make an appropriation to stamp out the boll weevil than to get a law providing for the protection of children. This is not because he is unmindful of the welfare of his children, but because he is ignorant of the benefits of such laws directly or indirectly.

In my own state, the juvenile court law was passed in 1911, but it was not made mandatory to establish courts in all counties. It was left to the judgment of the county judge whether or not it

should be operated in his particular county. It did carry a provision that if twelve reputable citizens petitioned the judge for a juvenile court, he would be forced to grant the petition. No appropriation was made for the salary of a probation officer, and this had to be raised by the committee presenting the petition, at least until the next session of the quorum court. Several of our courts have been organized in this way.

The lack of trained probation officers is a serious handicap to the development of the work. We must demonstrate the value of probation if we are to make it popular, and this cannot be done with the inefficient, untrained worker. Another great need, as I see it, is for socially minded judges. It may be you have judges in juvenile courts who thoroughly understand child welfare and juvenile work, and if so, you cannot possibly know the handicap it is to your work to have as your juvenile judge a man who is also county and probate judge, a man who is perhaps all absorbed in a road-building program involving millions of dollars and on account of these duties is able to give you only two or three hours a week for your work.

Few of the southern states have institutions for the feeble minded, and these are among our chief offenders, and constitute the greatest number of our recidivists. These are a serious menace to the ultimate success of probation.

Rural probation is almost unknown in the South, but Arkansas and Florida are attempting to remedy this by securing voluntary workers who will report to the chief probation officer of the county and thus keep them in touch with rural conditions.

In the large cities of Texas, Alabama, Tennessee, Kentucky, Louisiana, North and South Carolina, Georgia and Virginia, probation work is being carried on, and each state is making rapid progress and is yearly raising its standard. I have read with much pleasure the recently passed juvenile court laws of Virginia and North Carolina. They carry every provision for effective probation work.

The work is gaining rapidly in my own state. Three years ago we had only one court in operation. Today we have ten courts,

with eleven full-time paid probation officers. We have a state probation officers' association, which has gained 100% in membership since its organization three years ago. This year we will put on a school in which we hope to give valuable training to the social workers in the juvenile courts. Very little, if any, adult probation work is carried on in the South.

I cannot close these few rambling remarks without expressing to you pioneer workers the appreciation of those of us who are removed from the center of your activities. You have been our inspiration, our guide, our help. "You have fought a good fight, you have kept the faith" and are now having your reward in seeing the work so dear to you go forward. Those of us who from time to time have attended these conferences have carried back with us the leaven which shall by and by leaven the whole lump.

With a firm belief in my people, with a fair knowledge of things yet to be overcome, I dare to predict that the time is not far distant when probation, both juvenile and adult, will be well developed in the South. May God speed the day.

## THE MILWAUKEE JUVENILE COURT

HON. MICHAEL S. SHERIDAN, JUDGE, JUVENILE COURT,  
MILWAUKEE, WIS.

Judge Neele B. Neelen, while acting as District or Police Court Judge of this city, conceived the idea of handling juvenile offenders separately from adults several years before our State Legislature made any provision for the creation of our Juvenile Court, and it was largely through his efforts and the success that he attained in work of this kind, that resulted in the creation of our Juvenile Court.

Our Legislature in 1901 made provision for the organization of juvenile courts in the State of Wisconsin, and Judge Neelen presided for the first five or six years. About 1909, the Detention Home was built. It is located about two miles from the downtown district and is a spacious and well-built building. On the first floor of the building is the court-room, the judge's chambers and the offices of the several probation officers, and on the second and third floors the children are detained.

In Wisconsin, we have jurisdiction of neglected, dependent, abandoned and incorrigible children, girls until they are 18 years of age and boys until they are 17 years of age. Our State laws also provide that children, whatever offense they may have committed, shall not be detained in the County Jail, so that in Milwaukee County all juvenile offenders are kept in the Detention Home until their cases are disposed of.

In addition to the jurisdiction enumerated, the Juvenile Court administers the mother's aid, which the laws of our State provide for, and last year in Milwaukee County there was paid out through the instrumentality of the Juvenile Court \$87,000 to dependent mothers.

Our staff includes our chief and twelve probation officers, five women and seven men, two stenographers and a clerk of the Court, a matron, a Superintendent of the Detention Home and a school teacher.

Our laws provide that the judges of each county shall some time during the month of June of every year select one of their num-

ber to act as Judge of the Juvenile Court, and that work has been assigned to me by the judges of this county for the past two years.

Last year we handled about 2,000 cases, and whatever success has been attained under my administration has been due largely to the efficient cooperation and devotion to duty on the part of what I consider a very efficient corps of probation officers, and I might say in passing, that to my mind the success of any Juvenile Court in a large city is dependent largely upon the probation officers. If they are men and women of the right character, if they love their work, if they are interested in the boys and girls that are entrusted to their care, the work of the judge is made much easier.

Coming from a court of record that deals largely with property rights, where the amount involved many times is large, I wondered if the work would not prove irksome. I never have been engaged in any work that is more interesting or that offers greater opportunity to be of some service to mankind than presiding as Judge of the Juvenile Court of Milwaukee County.

It is true there are no large judgments for either the plaintiff or the defendant, but there are judgments that mean much to the boys and girls who are brought into that court, and many times after presiding all day and going home somewhat weary, the judge at least has the satisfaction of knowing that he has really helped solve the problem of some unfortunate family or some dependent or more or less incorrigible boy or girl.

The Juvenile Court work in this country is in its infancy. It will take years before the lines are well defined. The experiment thus far has fully justified the fondest dreams of the pioneers in this work.

Speaking to a group of judges and probation officers, it is not necessary to draw comparisons between the old and the new system. The boy or girl is not treated in the Juvenile Court as a criminal, but as a general rule as one who is the victim of circumstances over which the boy or girl has little or no control. There are, of course, exceptions to all cases, but that is the general rule.

I am a great believer in the informality of the practice and procedure in Juvenile Courts, and I think that the easiest way to rob



the court of the intent for which it was created is to clothe it with the formality that goes with the average court of record.

Here in Wisconsin there are people who would like to broaden the jurisdiction of the juvenile court. Personally I have been opposed to it. If the jurisdiction is broadened to any great extent, of necessity lawyers will frequently appear to protect the rights and interests of the parties, rules of procedure will have to be more formal and rules of evidence will have to be followed much closer than they are at the present time, consequently I do not look with favor upon the broadening of the jurisdiction of juvenile courts, but would keep them distinctively "children's courts."

Occasionally we have a case in the juvenile court where the judge would like a little more authority, but with the cooperation of the other courts, it is not difficult in Milwaukee County to get satisfactory results.

There is practically no one in attendance at the sessions of the court except the parties in interest. Our statutes provide that no one unless he be a party in interest is permitted to attend sessions without the consent of the presiding judge. It is needless to say that the provision in question is a wise one. It certainly would be embarrassing for the sensitive boy or girl to be brought into a court room that was crowded with spectators, many of whom would have no interest in the case except that of idle curiosity.

While our statutes provide that the records of the juvenile court are not open to the public and that no record made in the juvenile court can be used in any other court against the boy or girl, I am very much opposed to the bringing into court of any boy or girl unless the offense committed is reasonably serious.

It makes little or no difference how much care is exercised by the probation officer, if a boy or girl is taken into juvenile court it is bound to be noised about in the neighborhood and also reach the ears of schoolmates, and that frequently results in social ostracism on the part of companions and schoolmates and gossip in the neighborhood, which may greatly harm the boy or girl in question, therefore I do not believe that children should be haled into court, even though it is a juvenile court, unless it is absolutely necessary.

There is at the present time in this country a tremendous amount of supervision over our boys and girls. It is all intended for the best and the results attained in many instances splendid, but there is some danger of overdoing the work and of having altogether too much supervision.

A good, sensible policeman, in a congested neighborhood where there are a good many boys and girls, wields a mighty influence for good and can be of great help to the boys and girls without calling the probation officers or taking them into court.

Some outside agencies render fine service; again I wish to say that at the present time there is grave danger of duplication, overlapping, and perhaps too much interference with the rights of parents. People are best governed who are the least governed, and sometimes the very best-meaning men and women, who do not always understand the people that they are dealing with, do as much harm as good in trying to solve the boy and girl problem in our country.

I question the advisability of the delegation of governmental functions to private associations or organizations, and one reason for this statement is that it would be very difficult to know where to start and where to stop, as there are so many organizations engaged in different phases of so-called social service. I believe that the courts and their duly accredited officers should handle problems of this kind and should be held responsible for results without shifting or delegating authority to outside agencies.

In all large cities there are congested districts. There are districts where the housing is perhaps not as good as it should be, where the sanitary arrangements are somewhat defective, where the parents have perhaps not had the training that they should have had, and yet they raise splendid men and splendid women.

I have in mind a section of Milwaukee where the sanitary and hygienic arrangements contradict all well-defined rules of proper housing and right living and yet that district is remarkably free from all forms of contagious diseases and their children appear to wax strong, healthy and rosy, notwithstanding the conditions that I have enumerated. To go into a district of that kind and upset arbitrarily their system of living would sometimes do much more

harm than good. The second generation of people of the kind I have mentioned work out quite satisfactorily some of the problems in question without very much interference.

I am opposed to the placing of boys and girls on probation for trivial offenses. I am opposed to long periods of probation for either boys or girls if the offense committed is not serious. Requiring children to report once a week to a probation officer for a period of a year, a year and a half or two years, where the child in question may live two or three or even four miles from the office of the probation officer, is more or less of a hardship and should be eliminated wherever it is possible without harm coming to the child.

In Milwaukee, perhaps twenty per cent of the boys that are brought into the juvenile court at the present time, during the industrial depression that we are passing through, would not be in court if they could secure employment.

We have gone a long ways in this country in legislation relative to child labor. We all recall schoolmates who found going to school after they were fourteen or fifteen years of age irksome and trying, where the school was of little or no good to them, and who, when given an opportunity to learn a trade, turned out to be splendid men.

There perhaps is a tendency in all of us to be over-lenient in dealing with the incorrigible boy or girl, a hope in the mind of the judge that with one more chance the boy or girl may go right. I have perhaps been as bad an offender as any judge within the reach of my voice, and I am well satisfied that I have offended in some instances to the detriment of the boy and the girl and also the neighborhood in which they live.

After a boy or girl has had several opportunities under an efficient and kindly disposed probation officer and yet breaks all rules and regulations, the place for that boy or girl is in a corrective institution. Society is entitled to some protection, and particularly the boys and girls in the neighborhood, and so while I think the judge should be lenient, he should be charitable, he should have lots of patience, he should be firm, and where the occasion requires it, see that the offender, even though he be of tender years, is placed in an institution under strict discipline.

We should strive to impress upon parents the responsibility which they owe to the community in which they live. A certain percentage of our population is quite willing to lean on the State and to be relieved of the burdens that go with the bringing up of a family. They should be made, where it is necessary, to feel the strong arm of the law and to be impressed with the obligations which they assumed when they undertook the rearing of a family.

A good deal has been said and written during the past few years in this country about the rights of people and not enough has been said nor written about their duties. If we all do our duty by our families, our neighbors and the State, our rights to a large extent will take care of themselves, and I believe that considerable of the unrest that we are experiencing at the present time is occasioned by too much silly, sentimental talk about the rights of mankind.

The World War and prohibition have brought many serious problems upon us, problems which will require the best thought of our best thinkers for many years to solve. The judiciary, of which the juvenile court forms a part, will in the discharge of its duties, get the reflection of many of the problems in question.

We should approach the discharge of our duties with the proper appreciation of our obligation. We should have in mind at all times that we are not dealing with property rights but with the lives of many boys and girls, who will be the future citizens of our great country. We should, above all things, in my opinion, bear in mind, that the cornerstone of the foundation upon which society and the government rests is the home, and the home should be uppermost in our mind in handling the children that come before us.

Let us bend every effort to keep sacred the homes of our citizens. Let us remember that the parents have rights, that in many instances their rights should be paramount to the State. Let us encourage them in their responsibility and let us not unduly interfere with their manner and method of dealing with their children, unless we are well satisfied that the interests of the child and the State demand it.

And in closing, let me repeat what I said at the outset, that the people who are the least governed are the best governed.

## JUVENILE DETENTION HOMES

KATHARINE F. LENROOT, CHILDREN'S BUREAU, U. S. DEPARTMENT  
OF LABOR.

*(Paper read before the International Association of Policewomen, Milwaukee, Wis., June 21, 1921.)*

The juvenile court movement as applied to delinquents has been governed by two main motives. The first has been to safeguard the child from contact with older offenders and from the formality and publicity of the criminal procedure. The more positive aim has involved understanding the individual child and adapting treatment in each case to the particular needs discovered.

Together with separate hearings and probation service, special detention facilities for children are a basic feature of juvenile court organization. In the absence of proper arrangement for detention, the original purpose of the juvenile court—the protection of the child from contact with hardened offenders—must inevitably meet defeat in many cases.

The initial step in dealing with the delinquent child—his care during the interval between apprehension and disposition of the case—is of very great importance. Reconstructive work may be rendered easy or difficult, according to the wisdom exercised at this point. The coordination of the functions of the police and the courts in the preliminary care of children is a matter which has sometimes occasioned considerable difficulty. The problem of the child offender cannot be broken into two distinct parts—one the period between arrest and court action, and the other dating from the time when the petition or complaint is filed. A plan for the cooperation of the agen-

cies concerned, and for the closest coordination of effort, must be carefully worked out.

### **Purpose of Detention**

As developed in connection with juvenile courts, detention homes for children serve a variety of purposes. The first purpose of detention, as the word signifies, is the holding, or safekeeping, of the child, pending court action. This includes care from the time of apprehension by the police or other authorized persons to the time of filing the petition or complaint, or until the child's release, if the case is found not to warrant court action. It also includes care from the time the petition is filed to the time when disposition of the case is made by the court.

Like the juvenile court, the juvenile detention home has in many communities gone beyond the first stage of providing a means whereby children may be saved from contact with adult offenders. The detention home has sometimes furnished a place for the study and observation of the children, and clinical facilities for physical and mental examinations have in some instances been provided as a part of the detention home equipment. In a few cases such prolonged care as that involved in the treatment of venereal disease in young girls is part of the service furnished by the detention home; usually the correction of physical defects and the treatment of disease is accomplished through cooperation with some other agency.

Detention homes are frequently called upon to serve as short-term disciplinary institutions to which children may be sent by the court either under direct commitments or during continuances. Sometimes, also, the crowded condition or the limitations of public or private institutions for delinquents make it necessary for the detention home to care for children who have been committed to institutions but whose admission cannot immediately be arranged. Again, probation officers are sometimes authorized to send probationers to the detention home for short periods as a means of discipline, without official action by the court. Runaway children are often kept in detention homes for considerable periods, pending arrangements for their return home.

The use of the detention home for the care of dependent and neglected children, and of lost children, varies in different localities. Where no other institution is available—such as a shelter maintained by a Society for the Prevention of Cruelty to Children, or a receiving home maintained by a child-caring agency—the detention home is frequently called upon to perform this service.

### **Principles Governing Detention**

In summing up the fundamental principles which should govern the use of detention facilities, it is important to bear in mind that policies must necessarily differ according as the other resources of the community are ample or meager. It is impossible to lay down rigid rules. However, it is essential that those responsible directly or indirectly for the policy followed in detention should realize clearly the possibilities and limitations of such service.

Considering for the moment only the function of the detention home in holding the child, it will probably be agreed that such service is necessary for three classes of children only: First, children whose home conditions are so bad that immediate removal is necessary; second, those who are beyond the control of their parents, runaways and those whose parents cannot be relied upon to produce them in court; third, children who have committed offenses so serious that their release pending the disposition of their cases would endanger public safety.

To detain other children merely for the purpose of safekeeping for any longer period than is required to communicate with the parents and to ascertain the facts relative to home conditions involves needless expense to the community and often results in injury to the child.

Since the question of release or detention depends so largely upon home conditions and the ability of the parents to control the child and to produce him in court when required, it follows that some means must be provided for ascertaining the home conditions and possibilities of care by the parents. This does not imply that a complete investigation, such as that required for purposes of court action,



can be made at the time when detention is being determined, but the person who has within his or her discretion the question of detention should be capable of sizing up situations quickly and should have the time to give some degree of consideration to each case. The parents of children who are arrested are often required to appear at the police station or detention home, and much can be gained from an interview with the parents at this time. Information should also be obtained as to whether the child is already under the care of the juvenile court. A certain amount of investigation immediately following apprehension will make detention unnecessary in many cases, and will also insure the holding of children whose release would be unsafe.

There may be cases in which detention for the purpose of observation is justified when detention for the purpose of safekeeping would be clearly unwarranted. But detention for observation can accomplish no worth-while results unless there are available adequate clinical facilities for the physical and mental examination of the children and opportunity for social investigation, and unless the attendants are qualified to make observations of value. Very few detention homes are equipped with such facilities for expert study and diagnosis. Even where facilities exist for the expert study of the child, it is the opinion of at least one psychiatrist with varied experience that such observation as can be given in a detention home is of little value because the children are placed in unfamiliar surroundings and their reactions are not indicative of their normal social behavior. The plan of having certain children come to the detention home by appointment, for physical and mental examination, has been followed in some instances.

The use of the detention home for discipline or for medical treatment, or its use for a considerable period pending admission to institutions, clearly introduces problems not found when the home is used for detention only, and results in a complex institution very difficult to administer.

The length of stay in the detention home should be as short as possible. This matter is not always under the control of the detention authorities; the frequency of court hearings necessarily affects the

length of detention, shorter periods being possible when hearings are daily than when they are held only once or twice a week. The administration of detention homes varies greatly in the care which is taken to reduce the length of stay to a minimum.

### **Types and Management of Detention Homes**

The detention facilities provided for the care of juveniles vary in different localities and are partly determined by the size of the problem with which the community must deal.

Detention homes, or houses of detention, may be divided into two classes—private residences remodeled for detention home purposes, and specially built houses of detention. The latter are practicable only in communities where large numbers of children are to be detained at any one time.

A considerable number of courts use, as a method of detention, the placing of children in family homes. Except for Massachusetts, this form of detention is found chiefly in states having much rural territory. In some communities the home of the chief or other probation officer is used for detention purposes.

Detention homes for children are usually under the management of the juvenile court, or are closely connected with it. Often the offices of the court and the probation staff are in the detention home building. In some instances the detention home is under the management of the Police Department, or of other public authorities, and is entirely independent of the juvenile court.

### **Staff of Detention Home**

In considering the administration of detention homes, the question of personnel is all-important. A home of inadequate equipment and few facilities, but under the management of a person of broad experience and understanding, is far preferable to the best-equipped and most complete home under the management of those who do not understand the needs of the children. Salaries must be sufficient to secure the services of persons adapted to the work. For the salaries

now paid in some communities it is impossible to secure anything but inefficient service and the real cost of such service far exceeds the amount which would be expended in securing the right kind of personnel.

It is impossible to lay down rigid rules regarding the kind of training and experience which should be required of the staff of a detention home. The superintendent should be a person with maturity of judgment and considerable experience with children. Previous experience in the management of institutions may be helpful, but such equipment should not be overrated at the expense of other qualifications. The assistant must be a woman capable of assuming the responsibility for the details of household management and the preparation of the meals. Training in home economics and experience in institution management will be helpful here. In a small detention home the housekeeper will also have to assume the main responsibility for the care of the girls and she should therefore be a woman of understanding and judgment, who is able to win the respect and confidence of those under her care.

In a detention home accommodating forty or fifty children, besides the superintendent and the housekeeper, an assistant to the housekeeper for the care and supervision of the girls during the hours when the latter is off duty or otherwise engaged, and two men attendants (one day and one night) for the care of the boys, are necessary. They should be selected because of their qualifications for dealing with children. A cook, and possibly a janitor or a charwoman are also needed. The staff should be adequate in order that effective supervision may be maintained, and that the children need not be required to do the heaviest kind of work. Teachers and supervisors of recreation are not included here, as school departments are often willing to make assignments to the detention home.

### **Physical Equipment**

The essentials of an adequate detention home are cleanliness, proper lighting and ventilation, bathing and toilet facilities separate for boys and girls, and provision for segregation according to sex and

character. Some provision for securing the windows against the possibility of escape is usually considered necessary. This need not take the form of bars.

Where buildings are especially constructed for detention purposes it is usually possible to provide single rooms for the older children. Construction based on the single room plan is somewhat more expensive than construction on the dormitory plan, but the saving of expense in supervision partly balances this. In some detention homes provision has been made for dormitories for some of the children and single rooms for others. Those in charge of these homes have usually expressed themselves as favoring the single room throughout if it can be afforded. However, for young dependent children dormitories are preferable.

If dormitories are used, they should be sufficient in number to allow for segregation of different classes of children, and efficient night supervision must be maintained.

Far more undesirable than the dormitory plan with supervision is the plan of caring for two or three children in a room, no supervision being maintained at night. In an old residence used for a detention home, small dormitories accommodating from three to five children each are often the most practicable arrangement, but supervision must be constant and thorough, and the classification of the children wise.

The use of detention homes for dependent and neglected children is undesirable unless no other provision is available; it should never be permitted unless strict separation of the delinquent and the dependent is maintained, at least during the hours when they are not engaged in activities which prevent undesirable intimacies.

The separation of the sexes should be as complete as possible, and separate dining rooms and living rooms for boys and girls are usually provided. Outdoor play space should be considered as a necessary part of the detention home.

The plan of the detention home should include arrangements for the segregation of children who have infectious diseases and special toilet and bathing arrangements should be

available for these children. Single rooms for such cases are especially desirable.

All children should be thoroughly bathed and cleansed upon admission, and clean clothing should be furnished.

The meals served the children need not be elaborate, but the food should be sufficient in quantity for the needs of a growing child, and should be of good quality. Hungry children furnish poor material with which to build constructively.

### **Daily Programs**

One of the fundamental features of adequate detention service is the arrangement of the daily program, so that the time of the child will be fully and wholesomely occupied. Such a plan prevents the formation of resentful and anti-social mental attitudes, and intimacies which may be harmful.

It is sometimes thought that school in connection with detention homes is unnecessary because the stay of the children is usually so short. However, the school is the best means for occupying the time of the children in a constructive way. Moreover, the length of stay must sometimes extend over a period of a week or two weeks, or perhaps longer, and it does not seem fair to the child forcibly to detain him and then to deprive him of the opportunity of attending school, thus making it difficult or impossible for him to keep up with his class.

In a number of cities the school department has furnished valuable aid by assigning one or more teachers to the detention home school. They sometimes have the status and pay of teachers of special classes. Ideally, school should be in operation the entire year; the need is as great in summer as in winter.

Out-of-door recreation every day is a feature which in many detention homes is overlooked, but which is highly desirable. Here, too, the school department can help by furnishing play supervisors who give part time to this work. Provision for indoor recreation is essential, including quiet games, books, crocheting and embroidery, and, if possible, piano or phonograph.

### Clinical Study of the Children

The establishment of clinics in connection with detention homes for the physical examination and intensive mental and social study of the children, has already been mentioned. Such clinics are not necessarily part of the detention home, but their services must be readily available. The physical examination of children upon entrance and their segregation, if there is any suspicion of communicable disease, are essential to the health of the population of the home. The need for complete information based upon thorough study of the child and his home, is more and more recognized as essential to the treatment of delinquent children and of neglected and dependent children also.

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In conclusion, the all-important considerations in detention service may be summarized as follows:

*First:* Detention should be limited to those children for whom it is absolutely necessary, and the number of children detained and the length of stay should be kept at a minimum.

*Second:* More important than elaborate and expensive equipment is the personnel of the home—experience, good judgment, understanding and ability to win the confidence and respect of the children, are essential.

*Third:* The detention home should furnish opportunity for segregation of the children according to sex and experience; effective supervision should be maintained at all times.

*Fourth:* The daily program of activities should be full and varied, in order that constructive interest may supplant morbid tendencies and undesirable companionships.

## REPORT OF COMMITTEE ON EXTENSION

JOSEPH P. MURPHY, CHIEF PROBATION OFFICER, ERIE COUNTY, BUFFALO, N. Y.,  
*Chairman*

The past year, as everyone engaged in the field of delinquency is well aware, has been a year of reaction. All over the country, with very few exceptions, there has been an increase of crime, especially in certain forms of the more serious offenses. Bank robberies, mail robberies, homicides, serious assaults, industrial disturbances, riots involving group action, etc., have been committed with considerable daring and spectacularism, with the result that the public mind has become aroused over and focused upon the crime problem as never before. The advent of prohibition, bringing in its wake the inevitable activities of bootleggers and many other evils arising out of the effort of the various communities to adjust themselves to the new conditions, has brought about a feeling of antagonism on the part of many citizens to a sane or common-sense policy in the treatment of delinquents.

In addition thereto, the country has experienced, and is still in the throes of one of the most serious unemployment situations it has ever faced. Millions of men have been out of employment for as long as six or seven months, creating a most acute problem, especially in the larger and more congested industrial centers. Accustomed to high wages and having acquired what might comparatively be called extravagant habits, these men have had a tremendously difficult time to adjust themselves to their new situation. Those who were prudent and thrifty, who conserved their resources and had foresight enough to realize something of the problem before them, have managed to pull through without becoming involved in anti-social conduct. Those who were less favorably endowed—the persons of marginal industrial ability—have found themselves in a most deplorable, in fact helpless, condition. The result has been an increase in crime and distress of all kinds.

With the more or less sudden creation of this serious situation, it is quite natural that the public mind would become excited and to some extent lose its sense of proportion. Under the circumstances, therefore, it is not surprising to see the pendulum swing back to the other extreme. Throughout the country, as I have observed from the clippings which I received from various newspapers all the way from Maine to California, legislation has been proposed to restrict the discretionary power of the court in the matter of punishment or treatment of criminals, to increase the penalties for almost all offenses and even to abolish parole, probation and the indeterminate sentence. The writer is not in a position to speak specifically of these propositions, because of a lack of complete data, but the effort has been particularly emphatic in many of the larger states, especially the states of Illinois, New York, Pennsylvania, Texas, California, etc. In the city of Chicago, for instance, the Chicago Crime Commission some several months ago made the definite recommendation to abolish probation because it is "a vicious system."

That there has been some ground for this attitude on the part of the public, especially where it affects the administration of parole, probation, etc., will not be denied by those who are unbiased and know the facts. There has been, as we all know, an uneven development of probation and parole. Some localities have developed the system in an adequate fashion and to an extent where it is performing efficient service to the community. In other places, political influence, the indifference of public officials, even probation officers themselves, and an



unawakened public conscience, have prevented the full attainment of probation principles and ideals. And in this regard, it is perhaps not beside the point to call attention to the tendency of public officials to "fall into a rut," to lose their initiative, to feel satisfied with their work and, as a result, to stagnate. We must always bear in mind that in this world of moving events nothing can stand still, if we are to make progress. Those who do will recede into the background. Probation officers must constantly keep on the alert, experimenting with new ideas and new methods, stimulating the public mind to the seriousness of the crime problem and to the value of probation, as well as other preventive methods—providing in that way a driving force behind the system, only through which can effective service be secured.

The probation system today is somewhat in the position of an army that has driven an enemy from its fortified position and advanced well into his territory. The advancing army must dig into its newly won position, defend itself from a counter attack, however vicious, with small arms, until the larger equipment can be brought up and placed in position. Probation has advanced well into the field of delinquency. It has been subjected to a severe task during the past year and perhaps will continue in such a situation for a while longer. We may consider ourselves fortunate—those of us who are sincerely interested in the problem of delinquency and its treatment—to know that probation has held its own during this period of attack. It seems to me that it is an evidence of the soundness of the fundamental principles of probation and of the wisdom and fairness of the American public in its attitude towards those who are unfortunate and less favorably endowed.

Probation officers, however, and social workers generally, should realize that the system must be strengthened, that new and modern equipment must be provided in the form of additional officers, greater compensation and the other material things which go to develop effective case-work and technique. And let me say here, in passing, that I feel that the social workers themselves have been somewhat lax in their attitude towards the probation system. Primarily responsible for its creation and development, they have left it to the mercy of political influence and indifferent officials, and have not continued the aggressive fight for its development that they did for its creation.

Considering the problem of extension work, therefore, one of the most important things to be done is to eliminate or at least minimize the abuses in the administration of probation, so that the public will come to realize, and be justified in so doing, that probation is a practical, sound, business-like institution, capable of making a valuable contribution both financially and morally to the welfare of the community.

Within the last month, the National Probation Association has made provision for a full-time secretary with office equipment, to carry out the aims and purposes of the Association. It will now be possible for the Committee on Extension, in co-operation with the secretary, to work out a program which shall penetrate every community now lacking the beneficent advantages of probation. For that reason the writer recommends—and in so doing feels assured that he has the approval of the committee members, that the Committee should be continued and given an opportunity to develop a program which will result in the adoption of probation principles and methods, both juvenile and adult, by all of the communities throughout the country which now lack these facilities, and which will be the means of bringing about the achievement of greater equipment and higher standards in those communities now having the principle in operation.

## REPORT ON RURAL PROBATION

MISS KATE H. BRUSSTAR, CHIEF PROBATION OFFICER, MONTGOMERY COUNTY, NORRISTOWN, PA.

I should like to present to the National Probation Association a workable plan by which probation work can be carried on in rural sections with good results and without the taxpayers getting alarmed over the burden of taxation imposed thereby. In so doing I shall try to tell you of what has been accomplished in my home county, Montgomery County, Pennsylvania, and I feel sure that the same sort of work can be done in almost any county in the United States.

The plan adopted is to utilize as far as possible the resources of the county and to have each community care for its own probationers under the supervision of the probation officers. Montgomery County is  $13\frac{1}{2}$  miles wide and 33 miles long, and has a population of almost 200,000, so it is obvious that a probation officer with one assistant could not properly supervise the children that are placed under her care, without the assistance of other workers.

We were able this year to form a County Council of the social workers and the people interested in general welfare work in the county, called the Montgomery County Council of Social Welfare. Through this organization and the Probation Association we are getting each community to take care of its own probationers under our direction. We were able to form this council through the wonderful organization work done by the American Red Cross during the war which gave to the men, women and children a community spirit that they previously did not have. The members of the County Council include district attorneys, directors of the poor, superintendents of schools, magistrates, and representatives of the various welfare agencies: school boards, women's clubs, etc. The idea is to have an organization that is strong enough to put through any welfare measure that the council considers is for the county's good. For instance, we are backing, and hope to put through, a hospital for contagious diseases and also a hospital for the far advanced cases of tuberculosis.

The council meets once a month in the court house, at which time the various needs are discussed and plans formed to supply them. The committees to date are the *Health*, the chairman of which is also the state representative for health work in the county. Our commissioners have given us a room in the court house for our chairman, and a telephone, so that the county is taking on the support of its own health work to a certain extent. Our chairman will have a clerk supported by the various organizations represented in the county council. *Americanization* work to be done by the Valley Forge Chapter, D. A. R.,—the chairman is a member of the council. *Supervision of Dance Halls*: This is a large problem that affects our girls from 14 to 21 years of age. We all know that when a child comes before the juvenile court it is not alone a child problem, but a family and community problem as well, so it is to the community that we are looking for the cooperation that will prevent the child from coming before the court.

There are at the present time six rural sections organized with paid trained workers who not only act as parole officers but who are doing preventive and constructive work. Various health clinics have been opened, social centres are in operation where the children under probation have been enrolled for some special work.

The schools are cooperating very well. In some instances they are having

psychological and psychiatric tests made, so that when we get the record of an incorrigible or delinquent child we are assisted very materially in our disposal of the case and are saved a great deal of time. The school, we believe, is the place for these tests to be made. The school boards, too, are doing more than they formerly did. Our court does not recognize truancy unless the school board has exhausted every means at its disposal to try to control the child. When the school board has failed they must pass a resolution saying the child is incorrigible and authorize the secretary of the board, the principal of the school or the truant officer to file a petition for incorrigibility. As a rule, if the school board does not take an interest, the children do not appear before the court.

We do not take a case of dependency before the court if the only trouble is poverty. If there is no local organization to care for the family, then the directors of the poor take charge and give adequate relief.

As was stated at a college commencement the other day by the president in his address to the graduates, they must face the fact that the day for the individual alone to accomplish anything is past, that only by thorough cooperation with others may they hope to attain.

## **Report of the Committee on Federal Probation**

**DR. LOUIS N. ROBINSON, CHIEF PROBATION OFFICER, MUNICIPAL COURT,  
PHILADELPHIA**

Last year a number of us were in Washington and appeared before a committee of the House and before the Attorney-General, and discussed a probation bill which was drafted by the National Probation Association, which had been introduced into Congress. The Attorney-General at that time was in favor of Federal probation, and the committee of the House, without question, was also heartily in favor of a bill which would make it possible for the Federal courts to place persons on probation; but there was one thing which they could not get over; that the bill provide for the appointment of salaried probation officers. While there was a provision in the bill that the Attorney-General would have power to keep the matter of salaries in his hands, the simple truth of the matter is the Judiciary Committee of the House was not ready at that time to trust the Federal judges with the appointive power; they were also hard up for money and felt it was a thing which they could not O.K., although they were absolutely in favor of giving the courts the right to place people on probation. After the meeting with those gentlemen I think those of us who were there came to the feeling that there was not at that time (and I think they have not, any of them, changed their mind), much chance to put a probation bill through Congress which would carry with it paid positions. I think all will agree who are here that probation officers should be paid, and that Federal probation work will not get very far until the court can have paid probation officers; but those, I think, who saw those Representatives face to face felt that it would perhaps be wise to get a bill through allowing probation, even though there were no paid positions created. We had the feeling that you have to establish the principle of probation in the Federal courts, and we felt that if you once got that principle established and Congress to say that the Federal judges can place men on probation, that inevitably the next step would have to be taken,—of securing paid probation officers. I think I don't misstate the position of the committee in saying that the committee, while feeling that the bill which at the present time has been introduced is not an adequate bill, not an ideal bill, nevertheless we ought to do what we can to secure its passage, even though it does not come up to our expectation.

## **Report of the Board of Directors**

MISS MAUDE E. MINER, CHAIRMAN

I will report that the Board of Directors has held four meetings during the year, one in New Orleans, two in New York and one here in Milwaukee. The last meeting in New York was a very long session. After very careful deliberation, the Board of Directors voted to employ a secretary at full pay, and a stenographer, and to incorporate the National Probation Association. During the year considerable attention has been given by the secretary to the problem of raising funds. He has been doing a good deal of work, and has succeeded in getting pledges of \$4,500. In addition to that there has been about \$1,400 in membership fees, and a very generous pledge has been made of \$15,000, covering a period of five years, or conditional that two similar gifts be pledged. That means work for some one to get those other pledges in order to avail ourselves of the \$15,000, which would mean \$5,000 next year, \$4,000, \$3,000, \$2,000 and \$1,000 in succeeding years; in other words, a gradually descending gift. That would help to put the Association on a better basis. I would say this: that the two dollar dues, the dues of the members, really mean a tremendous deal to the carrying on and support of this work, and no funds or no gifts at this time can help as much as the membership dues; I believe we ought to permit ourselves to help the secretary, and help ourselves, too, to get more members.

There is a chance for a good deal of research by the Probation Association in order to answer some of the many difficult problems in our work. In giving information to courts, in helping the establishment and development of probation systems through the country; I believe we all recognize the tremendous work which this Association has to do; and it is after all our Association, it is your association; it is not dependent upon a Board of Directors or upon officers. The real success of this Association depends upon the good work which every probation officer is doing in his or her community, and upon the kind of real understanding of the work that he or she is able to instill in that community for the prevention of delinquency, which probation really is.

## ACTIONS OF THE CONFERENCE

The following temporary committees were appointed by President Herbert C. Parsons:

### ON NOMINATIONS

Joseph P. Murphy  
Albert J. Sargent  
Joseph P. Moss  
Miss Katherine F. Lenroot  
Judge Kathryn Sellers

### ON RESOLUTIONS

Dr. A. J. D. Haupt  
Miss Maude E. Miner  
John W. Houston

At the annual business meeting on June 21, 1921, approximately one hundred members of the Association were in attendance. Brief reports covering the work of the Association during the past year were made by Miss Maude E. Miner, Chairman of the Board of Directors and Charles L. Chute, General Secretary and Treasurer.

Upon motion of Mr. William F. Zuerner, it was voted that the Board of Directors be authorized to take steps to secure the incorporation of the Association, the same to be accomplished at a special meeting in the Fall.

The Secretary presented a revision of the By-Laws recommended by the Board of Directors and after some discussion the amendments were unanimously adopted by the members of the Association. (The revised By-Laws are printed herewith.)

The Committee on Resolutions reported a series of resolutions embodying the conclusions of the Conference. They were adopted by the members of the Association with one exception. (Resolutions follow.)

Following the report of the Committee on Nominations the following officers were elected for ensuing year:

President: Judge Charles L. Brown, Philadelphia.

Vice-President: Judge August C. Backus, Milwaukee.

Members of the Board of Directors for four years:

Miss Emma O. Lundberg, Washington;  
Judge Franklin Chase Hoyt, New York;  
Mrs. Helen Hartley Jenkins, New York;  
Dr. Thomas W. Salmon, New York.

Member of the Board of Directors for three years:

Herbert C. Parsons, Boston;

Member of the Board of Directors for two years:

Mrs. W. F. Dummer, Chicago.

Member of the Board of Directors for one year:

Edwin M. Mulock, Detroit.

Adjournment followed.

CHARLES L. CHUTE,  
*General Secretary.*



## RESOLUTIONS

Adopted at 15th Annual Conference, Milwaukee, June 21, 1921

*Be It Resolved:* That this Association secure, if possible, for republication the article by Judge Edw. F. Waite of Minneapolis, entitled "Courts of Domestic Relations," and published in the Minnesota Law Review.

*Resolved:* That a special committee be appointed by the President, to present at the next annual convention a plan for an ideal Family Court that can function in small as well as in large communities.

*Resolved:* That a committee on criminal research and statistics be added to our standing committees, to report on the causes and trend of delinquency and crime.

*Whereas,* Question 14 of the regular application for examination for the civil service of the United States reads:

"Have you ever, by indictment or in any other manner prescribed by law, been charged with any crime, misdemeanor, or offense whatsoever; or fined or arrested for any offense? (Answer "yes" or "no.").....  
(If your answer is "Yes," name the offense and enclose herewith an abstract of the court proceedings in each and every case sufficient to show the essential action taken, and also, in the case of fine or conviction, furnish a statement from the trial judge or other court officer showing the surrounding circumstances and your reputation); and,

*Whereas,* On June 16th, the U. S. Civil Service Commission, composed of Hon. Martin Morrison, Pres., Hon. George Wales and Hon. Helen Gardiner, amended the above question as follows:

"This question does not include proceedings against a juvenile offender as such in a court having jurisdiction in such cases"; and,

*Whereas,* This amendment may affect boys and girls, men and women, all over the United States;

*Therefore, Be It Resolved:* That the National Probation Association extend to the U. S. Civil Service Commission, an expression of approval and appreciation of this beneficent, enlightened and far-reaching action of the Committee.

*Whereas,* On June 17, 1921, Hon. Chas. Underhill of Massachusetts, introduced a bill in the 67th Congress, 1st session, being H. R. 7212, providing for the establishment and maintenance of a psychiatric clinic in connection with the Juvenile Court at Washington, D. C.,

*Therefore, Be It Resolved,* That the National Probation Association express its approval of this bill as being in accord with the whole trend of enlightened thought and treatment for the group of children passing through the Juvenile Courts.

*Resolved:* That this Association endorse the bill introduced by Congressman Siegel establishing the probation system in the United States District Courts.

*Whereas:* The New Jersey Association of Probation and Parole Officers has adopted a resolution requesting the Association to publish a new and up-to-date directory of probation officers of the United States,

*Resolved:* That such directory be published by this Association as soon as practicable.

## **BY-LAWS**

**Adopted: May 31, 1919; Amended; April 14, 1920; June 21, 1921**

### **ARTICLE 1—NAME**

The corporate name of this organization shall be the National Probation Association, Incorporated.

### **ARTICLE 2—OBJECTS**

The objects of this Association are:

To study and standardize methods of probation and parole work, both juvenile and adult:

To extend and develop the probation system by conferences, legislation, the publication and distribution of literature, and in other ways:

To promote, the establishment and development of children's courts, domestic relations and family courts and other specialized courts using probation:

To cooperate, so far as possible, with all movements promoting the scientific and humane treatment of delinquency and its prevention.

### **ARTICLE 3—MEMBERSHIP**

The Association shall consist of active members, contributing members, sustaining members and patrons. Active members shall pay dues of two dollars a year. Contributing members shall be those who contribute five dollars or more annually to the Association. Sustaining members shall be those who contribute ten dollars or more annually to the Association. Patrons shall be those who contribute one hundred dollars or more during a single calendar year.

### **ARTICLE 4—OFFICERS**

The officers of the Association shall consist of a President, Vice-President, General Secretary, Treasurer and Board of Directors. The President and Vice-President shall be elected by ballot at the annual meeting of the Association. They shall serve one year and

until their successors are elected. The General Secretary and Treasurer shall be elected by the Board of Directors and shall serve during its pleasure.

#### ARTICLE 5—BOARD OF DIRECTORS

The Board of Directors shall consist of sixteen members so elected that the terms of four shall expire each year. At each annual meeting of the Association four directors shall be elected by ballot. The Board shall elect its Chairman. The Board may fill a vacancy occurring among the officers or members of the Board of Directors until the next annual meeting of the Association at which time a successor shall be duly elected for the unexpired term.

#### ARTICLE 6—EXECUTIVE COMMITTEE

There shall be an Executive Committee consisting of five members of the Board of Directors. Such committee shall consist of the Chairman of the Board who shall act as Chairman of the Committee and four members of the Board to be appointed by the Chairman. Such committee shall have the powers and perform the duties of the Board of Directors between the meetings, subject to the approval of the Board.

#### ARTICLE 7—OTHER COMMITTEES

A Nominating Committee consisting of five members of the Association shall be appointed by the President each year to nominate the officers to be elected by the Association. Such standing and special committees as may be authorized by the Association or the Board of Directors shall be appointed by the President.

#### ARTICLE 8—MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day as may be determined by the Directors. Special meetings may be held as determined by the Directors. Ten members shall constitute a quorum. Meetings of the Board of Directors shall be held as it may determine. Six members shall constitute a quorum of the Board.

#### ARTICLE 9—DUTIES OF THE OFFICERS

The President shall act as Chairman at all business meetings of the Association. In the absence of the President, the Vice-President shall so act. The General Secretary shall be the chief executive officer of the Association. The Treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Directors.

#### ARTICLE 10—DUTIES OF DIRECTORS

The Board of Directors shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

#### ARTICLE 11—AMENDMENTS

These By-Laws may be amended by a two-thirds vote of the members of the Association present at any annual meeting subject to the approval of the Board of Directors.

